



CrI.O.P.No.2819 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.2819 of 2024

Vallinayagam

...petitioner

Vs.

State represented by
The Inspector of Police,
Anuppapalayam Police Station,
Tiruppur City & District.
Crime No.511 of 2019

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.276 of 2023 pending on the file of the learned Principal Assistant Sessions Judge, Tiruppur.

For petitioner : Mr.C.S.Saravanan

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)



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ORDER

The petitioner is arrayed as A4 in S.C.No.276 of 2023 now pending trial before the learned Principal Assistant Sessions Judge, Tiruppur.

2.Originally, crime No.511 of 2019 had been registered by the respondent Police for the offences under Sections 392 and 397 IPC.

3.The petitioner had actually been arrested in yet another crime number on 22.06.2020. On 27.09.2021, he did not appear before the Judicial Magistrate No.III, Tiruppur and Non Bailable Warrant was issued. But he was already under custody and therefore, the respondent returned/ surrendered the Non Bailable Warrant back to the Magistrate Court. They then took custody of the petitioner by what is normally called as formal arrest on 14.07.2023. He is suffering incarceration from that date onwards. The only aspect is that A2 and A3 are still absconding.

4.The learned Government Advocate (crl.side) raised objections stating that there are 37 previous cases against the petitioner.

5.In the petition filed, the learned counsel stated that the trial Court is Principal Subordinate Court, Tiruppur, but it should be the Principal



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Assistant Sessions Court, Tiruppur.

6. Taking into consideration the period of incarceration and all other surrounding circumstance, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.III, Tiruppur** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the trial Court on every Monday at 10.30 a.m., apart from the Court hearing dates, till completion of the trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.02.2024

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To

1. The Judicial Magistrate No.III, Tiruppur.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur City & District.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

vkr

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