



WEB COPY



Crl.O.P.No.3065 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

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

Crl.O.P.No.3065 of 2024

Ajithkumar

... Petitioner

Vs.

State represented by
Inspector of Police,
Fairlands Police Station,
Salem District.
(Crime No.148 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in P.R.C.No.42 of 2018 on the file of
the Judicial Magistrate No.V, Salem.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner who is an accused in P.R.C.No.42 of 2018 now
pending before the Judicial Magistrate No.V, Salem, seeks bail.

2.Originally, Crime No.148 of 2018 had been registered for the



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offences under Sections 307, 341 r/w 34 IPC.

3.Non Bailable Warrant had been issued against the petitioner on 26.02.2019 and it was executed only on 14.11.2023.

4.Non Bailable Warrant had also been issued against the other accused and he had surrendered on 17.11.2023.

5.The learned Government Advocate (crl.side) raised objections stating that there are 22 previous cases against the petitioner.

6.A memo had been filed by the learned counsel for the petitioner stating that the mother and wife of the petitioner are prepared to stand as surety to him.

7.Taking all these factors into consideration and in order to give an opportunity to the petitioner to defend his case during the course of trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, (out of which, one must be either the mother of the petitioner or wife of the petitioner and the same must be tested by the learned Magistrate concerned) each for a like sum to the satisfaction of the **learned**



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Judicial Magistrate No.V, Salem 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 Judicial Magistrate No.V, Salem, everyday at 10.30 a.m., till the date of committal and thereafter, report before the Sessions Court, every Monday, Wednesday and Friday at 10.30 a.m., till the conclusion 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.

[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.

12.03.2024

vkr

C.V.KARTHIKEYAN, J.



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To

- 1.The Judicial Magistrate No.V, Salem.
2. The Inspector of Police,
Fairlands Police Station,
Salem District.
- 3.The Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

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