



Crl.O.P.No.3390 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

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

Crl.O.P.No.3390 of 2024

Alegesh @ Alageshkumar

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

(Crime No.536 of 2019)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in S.C.No.51 of 2023 on the file of the II Additional Sessions Judge, Thiruchengodu, on such terms and conditions.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner/accused in S.C.No.51 of 2023, now pending trial before the II Additional Sessions Judge, Thiruchengode, seeks bail.



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Originally, Crime No.536 of 2019 had been registered for the offence under Section 302 IPC.

2.The petitioner had been granted bail however, he did not appear before the Court. A Non-bailable warrant had been issued on 24.08.2023 and it had been executed on 20.12.2023.

3.The learned counsel for the petitioner stated that there was a change in the Sessions Court and the petitioner was not aware and therefore, he was absent on 24.08.2023.

4.Taking all the factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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 fresh sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Kumarapalayam, 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.



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[b] the petitioner shall appear before the II Additional Sessions Court, Thiruchengode, on every Monday at 10.30 a.m, for a period of four weeks, apart from the Court hearing dates and thereafter, during the Court hearing dates.

[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.

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C.V.KARTHIKEYAN. J.
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To

1. The Judicial Magistrate, Kumarapalayam.
2. Central Prison, Salem.
3. The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court of Madras.

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