



Crl.O.P.No.3461 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

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

Crl.O.P.No.3461 of 2024

Sathiya @ Sathiyaraj

...Petitioner

Vs.

State represented by
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
(Crime No.703 of 2005)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the case pending trial before the District and Sessions Judge, Myladuthurai in S.C.No.274 of 2008 in Crime No.703 of 2005 pending on the file of the respondent Police.

For petitioner : Mr.R.Thamarai Selvan

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



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ORDER

The petitioner is an accused in S.C.No.274 of 2008 pending trial before the learned District and Sessions Judge, Mayladuthurai.

2.Originally, Crime No.703 of 2005 had been registered by the respondent Police for the offences punishable under Sections 341, 302 IPC r/w 34 and 120(b) of IPC.

3.Since the petitioner did not appear before the Court, the sessions case was split up as S.C.No.85 of 2011 against those accused who were appearing and the trial proceeded. It is stated that the accused had been acquitted on all facts. Since this petitioner did not appear before the Court, NBW was issued on 01.09.2022. He filed anticipatory bail application before this Court and the same was dismissed. Thereafter, he had surrendered on 23.11.2023 and remanded to custody and the trial has progressed to quite substantial extent.

4.There are 23 previous cases against the petitioner, out of which, he had been acquitted in 13 cases and in 10 cases, the trial is pending. He was a history sheeted.

5.Taking into consideration the period of incarceration and the



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petitioner is a history sheeted rowdy but viewed the facts of this case independently, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 District and Sessions Judge, Mayiladuthurai 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 District and Sessions Judge, Mayiladuthurai, everyday at 10.30 a.m., 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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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.

19.02.2024

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To

1. The District and Sessions Judge, Mayiladuthurai.
2. The Central Prison, Cuddalore.
3. The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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