



CrI.O.P.No.3608 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.3608 of 2024

Surendran

...petitioner

Vs.

State represented by
The Inspector of Police,
Anaikaranchatram Police Station,
Mayiladuthurai District.
Crime No.667 of 2008

...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.111 of 2023 pending trial on the file of the Sub Court, Sirkali, Mayiladuthurai District.

For petitioner : Mr.R.Thamarai Selvan

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

ORDER

The petitioner was arrayed as A1 in S.C.No.111 of 2023 now pending trial on the file of the Assistant Sessions Judge, Sirkali, Mayiladuthurai, seeks bail.



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2.Originally, crime No.667 of 2008 had been registered by the respondent Police under Sections 147, 148, 452, 286, 324, 120(b), 109 IPC r/w 3 of Indian Explosives Substances Act @ 120(b), 147, 148, 452, 324, 307, 427, 149, 286 IPC r/w 9B(1)(a)(b) of Indian Explosive Act.

3.There were totally 16 accused. The petitioner was arrayed as A1. This petitioner and another accused/A2 had absconded. After the matter has been committed to the Court of Sessions, it was split up and new sessions case was registered as S.C.No.111 of 2023 in which the petitioner is arrayed A1 and the original 10th accused is A2. It is further stated that the original 11th accused is still absconding. So far as the other accused are concerned namely A2 to A9 and A12 to A16, S.C.No.42 of 2023 is now pending.

4.The learned counsel for the petitioner stated that nearly because one of the accused/original A11 is absconding and the petitioner cannot be kept in incarceration.

5.It is stated that Non Bailable Warrant was issued on 07.11.2023 and it was executed as against this petitioner on 18.11.2023 and the petitioner is suffering incarceration from that particular date.



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6. Taking all the factors into consideration and the period of incarceration, 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 Assistant Sessions Judge, Sirkali, 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 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.

[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



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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.

8. In the petition filed, the learned counsel for the petitioner had stated that the satisfaction Court is Sub Court, Sirkali, Mayiladuthurai District, but the learned Judge who is sitting in Sessions, was named as Assistant Sessions Judge. Registry may issue the order copy accordingly.

28.02.2024

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To

1. The Assistant Sessions Court, Sirkali, Mayiladuthurai.
2. The District Jail, Nagapattinam.
3. The Inspector of Police,
Anaikaranchatram Police Station,
Mayiladuthurai District.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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