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Crl.O.P.No.9524 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HON'BLE MRS. JUSTICE **T.V.THAMILSELVI**

Crl.O.P.No.9524 of 2024

Saravanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thammampatty Police Station,
Salem District
(Crime No.268 of 2023)

... Respondent

PRAYER:Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioners on bail in Crime No.268 of 2023, pending investigation on the file of the respondent police.

For Petitioner : Mr.L. Rajendran

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.12.2023 in Crime No.268 of 2023 registered for the alleged offences punishable under Sections 201 and 302 of I.P.C, seek bail.

2. Learned counsel for the petitioner submitted that now the



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investigation was completed and final report was filed in P.R.C.No.1 of 2023 before the Judicial Magistrate No.2, Attur, Salem District and charges were framed and the same was numbered as S.C.No.26 of 2024 before the Additional District and Sessions Judge at Attur, Salem District. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and also undertakes that he will appear before the trial Court on all hearing dates without fail, therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that if the petitioner is released on bail, he would abscond and he would not appear before the Court during trial. Hence prays to dismiss the petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the period of incarceration undergone by the petitioner, this



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Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one surety shall be the blood related surety), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Attur, Salem, District** 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 appear before the trial Court, on every Tuesday at 10.30 a.m., for a period of three months, apart from the Court hearings;

[c] the petitioner after coming out on bail shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] 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]***;

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

18.04.2024

smn

To

1. The **Judicial Magistrate No.2, Attur, Salem, District**
2. The Inspector of Police,
Thammampatty Police Station,
Salem District.
3. The Sub Jail, Attur
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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