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Crl.O.P.No.11859 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

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

Crl.O.P.No.11859 of 2024

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station,
Tiruppur District.

(Crime No.1042 of 2009)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in P.R.C.No.59 of 2014 on
the file of the learned Judicial Magistrate, Palladam in Crime No.1042 of
2009 on the file of the respondent Police.

For Petitioner : Mr.K.Vijayakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.05.2024, pursuant to the Non-Bailable Warrant of arrest issued against him on 01.08.2022 in P.R.C.No.59 of 2014 on the file of the learned Judicial Magistrate, Palladam for the offences under Sections 395 read with Section 397 of IPC seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in P.R.C.No.59 of 2014 on the file of the learned Judicial Magistrate, Palladam. He further submitted that there is no intention for the petitioner to drag on the proceedings and his non-appearance was only due to non issuance of any summons. He further submitted that the petitioner is in custody from 03.05.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court and further, he also undertakes that he will appear before the trial Court on all hearing dates without fail, therefore, he prayed for grant of bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted raised objection stating that since the petitioner is an accused facing trial in P.R.C.No.59 of 2014 on the file of the learned Judicial Magistrate, Palladam, has failed to appear before the trial Court and thereby, the trial Court has issued a Non-Bailable Warrant against him and pursuant to the same, he was arrested on 03.05.2024. Hence, he opposed for grant of bail to the petitioner.

4. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the undertaking given by the petitioner and also considering the period of incarceration undergone by him, this Court is inclined to grant bail to the petitioner with certain conditions.

5. 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 at Palladam, and on further conditions that:



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[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 all working days at 10.30 a.m., for a period of four months, failing which, the bail shall be cancelled automatically;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To



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1. The Judicial Magistrate at Palladam.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
3. The District Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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