



Crl.O.P.No.12389 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12389 of 2024

Poobalan @ Poobaladoss

... Petitioner/Accused No.3

Vs.

The State represented by,
The Inspector of Police,
Needamagalam Police Station.
(Crime No.145 of 2007).

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the S.C.No.81 of
2012 on the file of the Assistant Sessions Judge, Thiruvarur.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl.Side)



WEB COPY



CrI.O.P.No.12389 of 2024

ORDER

The petitioner is the 4th accused, who was arrested and remanded to judicial custody on 21.02.2024 for the offences punishable under Sections 395, 397 r/w 34 & 144 of IPC, in Crime No.145 of 2007, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is having pending trial case in S.C.No.81 of 2012 before the Hon'ble Assistant Sessions Judge, Thiruvavarur. The petitioner did not appear promptly before the lower Court, hence, the non-bailable warrant was issued against him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who is no way connected with the alleged offence, and a false complaint has been foisted against him. The petitioner is in custody from 21.02.2024. He would further submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton but because the summons were not served to the petitioner and the



Crl.O.P.No.12389 of 2024

petitioner came to know about such warrant only from the police. He further submitted that the petitioner is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that that the 5th accused had died during the interregnum after the offence was committed in the year 2007. Both the petitioner and the 4th accused were absconding and the petitioner was arrested only on 21.02.2024 pursuant to the Non-Bailable Warrant issued on 19.02.2022 by the lower court. It is further submitted that Accused No.1 and 2 also had not appeared before the lower Court and therefore, the trial has not commenced. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



CrI.O.P.No.12389 of 2024

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, and also considering that the case is of the year 2007 for the offence mentioned above and the petitioner has been in incarceration for a period of 90 days for the same, this Court is inclined to grant bail to the petitioner, with certain conditions.

7. The respondent is further directed to expedite the trial in S.C.No.81 of 2012.

8. 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**, each for a like sum to the satisfaction of the **learned Assistant Sessions Judge, Thiruvarur**, 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 respondent police everyday at 10.30 a.m. until further



CrI.O.P.No.12389 of 2024

orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

22.05.2024

sha



Crl.O.P.No.12389 of 2024

WEB COPY

Note:

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. The Assistant Sessions Judge,
Thiruvarur.
2. The Inspector of Police,
Needamagalam Police Station.
3. The District Jail,
Thiruvarur.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.12389 of 2024

C.SARAVANAN.,J.

sha

Crl.O.P.No.12389 of 2024

22.05.2024