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CrI.O.P.No.12511 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

CrI.O.P.No.12511 of 2024

Parthasarathy.D

... Petitioner

Vs.

State of Tamil Nadu,
Rep. by the Inspector of Police,
Reddichavady Police Station
(Crime No.142/2023
in S.C.No.148/2023)

... Respondent

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.148 of
2023 on the file of the Hon'ble 1st Additional Sessions Judge at Cuddalore.

For Petitioner : Mr.B.Balamurugan

For Respondent : Mr. R.Vinoth Raja
Public Prosecutor



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ORDER

The petitioner was arrested and remanded to judicial custody on 05.05.2023, for the offences punishable under Section 147,148,341,294(B), 302,201 of IPC in Crime No.142 of 2023, registered on the file of the respondent Police, seeks bail.

2. 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. He also submitted that the petitioner is in custody for a period of one(1) year and he 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.

3. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is arrayed as A1 and was detained under Act No.14 of 1982 by the District Magistrate and the said Detention order was quashed by this Court in H.C.P.No.45 of 2024. He further submitted that the trial in this case is still pending, hence, he opposed for grant of bail to the petitioner.



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4. Heard the learned counsel for the Petitioner and the learned Public Prosecutor for the respondent Police and perused the materials available on record.

5. The petitioner is the first accused in Crime No.142 of 2023 who has been committed to Sessions in S.C.No.148 of 2023 and the case matured for trial. In the meanwhile, the 3rd accused appeared for trial which is pending for consideration. It is noticed that all the other accused along with the petitioner had been either given bail or anticipatory bail by considering the time spent by them under judicial custody.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that 3rd and 4th accused have been given relief by the 1st Additional District and Sessions Judge, Cuddalore (FAC) in C.M.P.No.638 of 2024 and C.M.P.No.1383 of 2024 on 05.02.2024 and 27.02.2024 respectively, the 2nd accused has secured an order under Section 439 of Cr.P.C on 29.08.2023 in Crl.O.P.No.19178 of 2023 and the 5th accused has secured the similar relief on 24.07.2023 in Crl.O.P.No.14830 of 2023, the



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petitioner is also entitled for the relief on same terms and this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the learned 1st Additional Sessions Judge at Cuddalore 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 respondent police daily at 10.30.a.m., until further 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



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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 .

22.05.2024

msv

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. 1st Additional Sessions Judge at Cuddalore

2. The Inspector of Police,
Reddichavady Police Station

3. The Central Prison, Cuddalore.

4. The Public Prosecutor, High Court of Madras.



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C.SARAVANAN.,J.

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