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Crl.O.P.No.17335 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

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

Crl.O.P.No.17335 of 2024

Kathiravan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Poombuhar Police Station,
Mayiladuthurai District.
(Crime No.123 of 2007)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, pleased to enlarge the petitioner on bail in S.C.No.38 of 2009 pending on the file of the learned District and Sessions Judge, Mayiladuthurai District in Crime No.123 of 2007.

For Petitioner : Mr.N.Chinnaraj

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

ORDER

The petitioner/A4, who was arrested and remanded to judicial custody on 03.06.2024, pursuant to the Non-Bailable Warrant of arrest



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issued against him on 21.02.2024 in S.C.No.38 of 2009 pending on the file of the learned District and Sessions Judge, Mayiladuthurai District, in connection with Crime No.123 of 2007 registered for the offences under Sections 147, 341, 332, 149 of IPC r/w 3(1) of TNPPDL Act, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.38 of 2009, pending on the file of the learned District and Sessions Judge, Mayiladuthurai District. He further submitted that the petitioner was regularly appearing before the trial Court and due to his health issues, he was unable to appear before the trial Court on 21.02.2024. He further submitted that the petitioner is in custody from 03.06.2024 and he also undertakes that he will appear before the trial Court on all hearing dates without fail. Hence, he prayed for bail.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted raised objection stating that since the petitioner (A4), who is facing trial in S.C.No.38 of 2009, pending on the file of the learned District and Sessions Judge, Mayiladuthurai District, has failed to appear before the trial Court on 21.02.2024, the trial Court has issued a Non-



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Bailable Warrant against him and pursuant to the same, he was arrested on 03.06.2024. He further submitted that there are 11 witnesses in this case and so far 6 witnesses were examined, however, 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, 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 **District and Sessions Judge, Mayiladuthurai 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, apart from the Court



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hearing dates, shall appear before the trial Court, every Tuesday at 10.30 a.m., until completion of trial;

[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 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.

23.07.2024

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To

1. The District and Sessions Judge,
Mayiladuthurai District.
2. The Inspector of Police,
Poombuhar Police Station,
Mayiladuthurai District.
3. The Sub-Jail,
Mayiladuthurai District.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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