



WEB COPY



Crl.O.P.No.19178 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19178 of 2024

1.Praveen Kumar
2.Mohammed Ayoob
...Petitioners

Vs.

The State rep by its
The Inspector of Police,
Vaniyambadi Town Police Station,
Thirupathur District.
(Crime No.625 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail pending trial in S.C.No.7 of 2024 on the file of the learned Principal District Sessions Judge, Tirupathur, Thirupathur District.

For Petitioners : Mr.G.Vinodhkumar

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)



WEB COPY



CrI.O.P.No.19178 of 2024



CrI.O.P.No.19178 of 2024

WEB COPY

ORDER

The petitioner seeks bail in S.C.No.7 of 2024 in Crime No.625 of 2021 on the file of the Principal District Sessions Judge, Tirupathur, Tirupathur District, for the offences under Sections 147, 148, 294(b), 120(b), 302 r/w 34 of IPC. The petitioner has been remanded to judicial custody on 12.05.2024 on execution of NBW issued against him on 09.11.2023.

2.Learned counsel for the petitioners submitted that the petitioners are accused facing trial in S.C.No.7 of 2024 on the file of the Principal District Sessions Judge, Tirupathur, Tirupathur District. He further submitted that since the petitioners were unable to appear before the trial Court, due to illness, they were issued with the non-bailable warrant on 09.11.2023, and pursuant to the same, they were arrested on 12.05.2024. He also submitted that the petitioners would undertake that hereafter they would regularly appear before the court on all hearing dates and also stated that they are prepared to comply with any stringent conditions that



CrI.O.P.No.19178 of 2024

may be imposed by this Court. Therefore, he prays for grant of bail to the petitioners.

3. Learned Government Advocate (CrI.Side) appearing for the respondent submitted that since the petitioners, who are A2 & A10 facing trial in S.C.No.7 of 2024 on the file of the Principal District Sessions Judge, Tirupathur, Tirupathur District, have failed to appear before the trial Court and therefore, the trial Court has issued a NBW against the petitioners on 09.11.2023, and pursuant to which NBW issued against the petitioners, they were arrested and remanded to judicial custody on 12.05.2024. Hence, he oppose for grant of bail to the petitioners.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.Side) and perused the materials available on record.

5. Considering the fact that bail was already granted to the petitioners and thereafter NBW was issued and immediately, the same



CrI.O.P.No.19178 of 2024

has been executed and considering the fact that after completion of investigation, final report has also been filed and now the case is posted for framing of charges and also considering the undertaking given by the petitioners that they are ready to co-operate for speedy disposal of the trial, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each**, with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Vaniyambadi and on further conditions that :-

[a] the petitioner shall report before the Trial Court on everyday at 10.30 a.m., until further orders, without fail.

[b] the petitioner shall not commit any offences of similar nature.

[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.



CrI.O.P.No.19178 of 2024

WEB COPY

[e] On breach of any of the aforesaid conditions, the learned Judicial 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 absconds, a fresh FIR can be registered under Section 269 BNS.

08.08.2024

drl

To

- 1.The Judicial Magistrate, Vaniyambadi
2. The Inspector of Police,
Vaniyambadi Town Police Station,
Thirupathur District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



WEB COPY



Crl.O.P.No.19178 of 2024

Crl.O.P.No.19178 of 2024

08.08.2024