



CrI.O.P.No.19852 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.19852 of 2024

Jebamani Andrews

...Petitioner/Accused No.2

Vs.

State Rep. by
The Inspector of Police,
Singanallur Police Station,
Coimbatore City.
(Crime No.1834 of 2020).

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of the BNSS, praying to enlarge the petitioner on bail in S.C.No.106 of 2021 pending before the learned Sessions Judge, Sessions Court for Trial of Bomb Blast Cases (FAC), Coimbatore in connection with Crime No.1834 of 2020 on the file of the respondent police.

For Petitioner : M/s.M.Vijaya Ragavan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)

ORDER



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The petitioner seeks bail in S.C.No.106 of 2021 in Crime No.1834 of 2020 on the file of the learned Sessions Judge, Sessions Court for Trial of Bomb Blast Cases (FAC), Coimbatore, for the offences under Sections 120(b), 201, 449, 302, 392 and 397 of the IPC. The petitioner has been remanded to judicial custody on 31.03.2023 on execution of the NBW issued against him on 01.09.2022.

2.The case of the prosecution is that the petitioner/A2 and other accused persons trespassed into his grandfather's house and murdered his grandfather for gain. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case. He further submitted that the petitioner had regularly appeared before the trial court, but due to his illness, he could not appear before the trial court. As a result of his non-appearance, a Non-Bailable Warrant was issued against the petitioner. He further submitted that he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent opposed granting bail to the petitioner by stating that the petitioner had absconded and not appeared before the trial court. He further submitted that an NBW was issued against the petitioner on 04.12.2021 and executed on 31.03.2023; and that the case is in the examination of the investigation officer stage.

5. Heard both sides and perused the materials available on record.

6. Considering that already bail was granted to the petitioner and thereafter, due to his absence, NBW was issued by the trial Court and the same has been executed, the period of incarceration undergone by the petitioner and the case is posted for examination of the investigation officer, and considering other aspects, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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



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learned *Sessions Judge, Sessions Court for Trial of Bomb Blast Cases*

(FAC), Coimbatore, and on further conditions that:

- [a] the petitioner shall report before the trial Court on every working day at 10.30 a.m., until further orders.**
- [b] the petitioner shall not abscond either during investigation or trial;
- [c] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [d] 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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

20.08.2024

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To

1.The Sessions Judge, Sessions Court for Trial of Bomb Blast Cases
(FAC), Coimbatore.

2.The Superintendent of Central Prison,
Coimbatore.



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3.The Inspector of Police,
Singanallur Police Station,
Coimbatore City.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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