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Crl.O.P.No.21322 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.21322 of 2024

Manikandan @ Mani @ Kariyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Rasipuram,
Dharmapuri District
(Crime No. 347 of 2016).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail in S.C.No.93 of 2017 on the file of I
Additional District Judge, Namakkal.

For Petitioner : Mr.R.Dineshkumar

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

ORDER

The petitioner seeks bail in S.C.No.93 of 2017 in Crime No.347 of
2016 pending on the file of I Additional District Judge, Namakkal, for the



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offence punishable under Section 302 of IPC @ 302, 380 of IPC @ 447, 302, 302 r/w 34, 450 and 394 r/w 397 of IPC. The petitioner has been surrendered and remanded to judicial custody on 20.12.2023 on execution of NBW issued against him on 18.04.2022.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No. 93 of 2017 on the file of I Additional District Judge, Namakkal. He further submitted that since the petitioner was unable to appear before the trial Court, he was issued with the non-bailable warrant on 18.04.2022 and pursuant to the same, he was arrested on 20.12.2023. He also submitted that the petitioner will undertake that hereafter he will regularly appear before the trial court on all hearing dates and also stated that he is prepared to comply with any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, A3 in this case, facing trial in S.C.No. 93 of 2017 on the file of I Additional District Judge, Namakkal, has



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failed to appear before the trial Court and therefore, the trial Court has issued a NBW against the petitioner on 18.04.2022, and pursuant to which, he was arrested and remanded to judicial custody on 20.12.2023. He further submitted that the trial has been commenced and 10 witnesses have been examined. Hence, he oppose for grant of bail to the petitioner.

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

5. Considering the fact that bail was already granted to the petitioner and due to his non-appearance NBW was issued and thereafter, the same has been executed, and considering the period of incarceration undergone by the petitioner and considering the trial has been commenced and material witnesses have been examined and also considering the undertaking given by the petitioner that he is ready to co-operate for speedy disposal of the trial, this Court is inclined to grant bail to the petitioner with certain conditions:



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6. 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 I Additional District Judge, Namakkal, and on further conditions that :-

[a] the petitioner shall report before the Trial Court, on all working days 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.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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drl

To

- 1.The I Additional District Judge,
Namakkal.
- 2.The Inspector of Police,
Rasipuram,
Dharmapuri District
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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