



Crl.O.P.No.21873 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.21873 of 2024

Govindaraj

...Petitioner/Accused-7

Vs.

The State rep by its
The Inspector of Police,
Hasthampatty Police Station,
Salem.

(Crime No.356 of 2010)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.356 of 2010 on the file of respondent police.

For Petitioner : Mr.S.Sengkodi

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

ORDER



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The petitioner seeks bail in S.C.No.12 of 2012 in Crime No.356 of 2010 on the file of the III Additional District and Sessions Judge, Salem, for the offences under Sections 120-B, 148 and 302 r/w 34 of IPC. The petitioner has been remanded to judicial custody on 23.03.2024 on execution of NBW issued against him on 11.03.2024.

2.It is the case of the prosecution that the petitioner along with the other accused are alleged to have committed murder on the deceased. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was already granted bail and due to health issues, he did not appear before the Court and hence, NBW was issued against the petitioner on 11.03.2024. He would further submit that the petitioner has been in judicial custody from 23.03.2024. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent



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would submit that the petitioner along with the other accused were found in committing murder on the deceased. He would further submit that the petitioner was already granted bail, but however, he did not appear before the Court and hence, NBW was issued against him on 11.03.2024 and the same was executed only on 23.03.2024. He would further submit that investigation has been completed and charge sheet has been filed and the case is now at trial stage. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that already the petitioner was granted bail and thereafter, due to his non appearance before the Court, NBW was issued and the same was executed and the case is also taken on file in S.C.No.12 of 2012 and that the petitioner is in custody from 23.03.2024 and the case is now posted for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on



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condition to execute 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 **III Additional District and Sessions Judge, Salem**, and on further conditions that;

[b] the Petitioner shall report before the Trial Court on every working day at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

- 1.The III Additional District and Sessions Judge, Salem.
- 2.Central Prison, Salem.
- 3.The Inspector of Police,
Hasthampatty Police Station,
Salem.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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