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Crl.O.P.No.22259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

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

Crl.O.P.No.22259 of 2024

P.Velayutham

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Shevapet Police Station,
Salem District.
(Crime No. 24 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023 to enlarge the petitioner on bail in PRC.No.78 of 2024 on the file of learned Judicial Magistrate No.3, Salem in Crime No.24 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Saravanan

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

ORDER

The petitioner seeks bail in PRC.No.78 of 2024 in Crime No.24 of 2024 pending on the file of Judicial Magistrate No.3, Salem, for the offence



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punishable under Sections 120B, 109, 147 and 302 of IPC. The petitioner has been remanded to judicial custody on 05.07.2024 on execution of NBW issued against him on 28.06.2024.

2. The case of the prosecution is that on 02.02.2024, at about 6.15 a.m, the deceased left his house to buy milk, at that time, a four-wheeled vehicle dashed against the deceased and caused grievous injuries to him, he was admitted in the hospital and later died. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in PRC.No.78 of 2024 on the file of Judicial Magistrate No.3, Salem. He further submitted that since the petitioner was unable to appear before the trial Court, he was issued with the non-bailable warrant on 28.06.2024 and pursuant to the same, he was arrested on 05.07.2024. 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



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

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that on the date of occurrence, the petitioner who is arrayed as A4, in this case, dashed against the deceased in a four wheeled vehicle, causing grievous injuries, and later he died. He further submit that since the petitioner, facing trial in PRC.No.78 of 2024 on the file of Judicial Magistrate No.3, Salem, has failed to appear before the trial Court and therefore, the trial Court has issued a NBW against the petitioner on 28.06.2024, and pursuant to which, he was arrested and remanded to judicial custody on 05.07.2024. Hence, he oppose for grant of bail to the petitioner.

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

6. Considering the fact that bail was already granted to the petitioner and due to his non-appearance NBW was issued and thereafter, the



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same has been executed, and considering the period of incarceration undergone by the petitioner and also considering the fact that after completion of investigation, final report has also been filed and now the case is posted for trial 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:

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 II Additional District and Sessions Judge, Salem 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 to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] 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;



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[d] the Petitioner shall not abscond 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]; and

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

10.09.2024

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P.DHANABAL, J.

drl

To

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

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