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Crl.O.P.No.22548 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

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

Crl.O.P.No.22548 of 2024

Murugesan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
(Crime No.11 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, pending trial in C.C.No.93 of 2018
on the file of the Judicial Magistrate Court, Palladam.

For Petitioner : Mr.K. Govi Ganesan

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

ORDER

The petitioner seeks bail in C.C.No.93 of 2018 in Crime No.11 of
2018 pending on the file of Judicial Magistrate Court, Palladam, for the



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offence punishable under Sections 279 and 304A of IPC. The petitioner has been remanded to judicial custody on 30.07.2024 on execution of NBW issued against him on 19.06.2023.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.93 of 2018 on the file of Judicial Magistrate Court, Palladam. He further submitted that the petitioner was unable to appear before the trial Court due to jaundice, he was issued with the non-bailable warrant on 19.06.2023 and pursuant to the same, he was arrested on 30.07.2024. 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 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, facing trial in C.C.No.93 of 2018 on the file of Judicial Magistrate Court, Palladam, has failed to appear before the trial Court and therefore, the trial Court has issued a NBW against



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the petitioner on 19.06.2023, and pursuant to which, he was arrested, after one year from the date of issuance of NBW against the petitioner and remanded to judicial custody on 30.07.2024. 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 also considering the fact that after completion of investigation, final report has also been filed, and the case is pending part heard stage and the respondent police was secured the accused after one year from the date of issuance of NBW against the petitioner, 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 Judicial Magistrate, Palladam, 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;

[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



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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.

18.09.2024

drl

To

- 1.The Judicial Magistrate,
Palladam.
- 2.The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
- 3.The Superintendent,
Sub Jail, Palladam.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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