WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

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

Crl.O.P.No.22752 of 2024

Jagadhish ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sriperumbudur Police Station,
Kanchipuram District.
(Crime No. 352 of 2004). ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., pleased to enlarge the petitioner on bail, in Crime No.352 of 2004 on the file of the respondent Police.

For Petitioner : Mr.R.Sankarasubbu

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 18.11.2005, for the alleged offence punishable under Sections 120(B),

https://www.mhc.tn.gov.in/judis

WEB COPY

394, 395 and 396 of IPC, in Crime No.352 of 2004, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.07.2004, the petitioner along with other accused persons, entered the house of the defacto complainant and committed dacoity to the tune of 23 sovereigns of jewels, further causing the death of one Pavithra. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged 67 years, has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 19 years and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is a case of the year 2005. He further submits that the petitioner along with other accused persons, entered the house of the defacto complainant and committed dacoity to the tune of 23

https://www.mhc.tn.gov.in/judis

WEB COPY

sovereigns of jewels, and further causing the death of one Pavithra. He further submits there are more than 23 accused, out of which 20 accused are absconding. He further submits that all the accused are belong to Haryana State. He further submits that the investigation in this case has been completed and the case has been taken up for trial in S.C.No.10 of 2010. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, and considering the date of alleged occurrence and also considering that the petitioner is in custody from 18.11.2005, and now the case is pending before the Sessions Court for Trial, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 Additional Sub

https://www.mhc.tn.gov.in/judis

WEB COPY

Court, Kanchipuram and on further conditions that:-

[a] the petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders, except on the trial court hearings.

[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 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

https://www.mhc.tn.gov.in/judis

WEB COPY

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

8. Considering the long pendency of the case, the learned Trial judge is directed to complete the trial proceedings, as expeditiously as possible, within a period of six months from the date of receipt of a copy of this order, in accordance with law.

20.09.2024

drl

To

1.The Additional Sub Court,
Kanchipuram.

2.The Inspector of Police,
Sriperumbudur Police Station,
Kanchipuram District.

3.The Superintendent,
Central Prison, Puzhal-I, Chennai.

4.The Public Prosecutor,
High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

P.DHANABAL, J.

drl

Crl.O.P.No.22752 of 2024

20.09.2024

https://www.mhc.tn.gov.in/judis