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CRL O.P. No.23394 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :24.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.23394 of 2024

Surataiyan @ Prabaharan

...Petitioner/Accused - 5

Vs

The State rep. by the Inspector of Police,
Hasthampatty Police Station,
Salem District.
Cr.No.716 of 2012.

...Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in S.C.No.118 of 2021 on the file of the 1st Additional Assistant Sessions Judge, Salem in Crime No.716 of 2012 on the file of the Inspector of Police, Hasthampatty Police Station, Salem District.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)



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ORDER

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The petitioner seeks bail in S.C.No.118 of 2021 on the file of the 1st Additional Assistant Sessions Judge, Salem, in Crime No.716 of 2012 on the file of the Inspector of Police, Hasthampatty Police Station, Salem District, for the offences punishable under Sections 450, 395 r/w 397, 506(ii) of the IPC. The petitioner has been remanded to judicial custody on 17.11.2023 on execution of NBW.

2. It is a case of jumped bail. The petitioner was arrayed as an accused in S.C.No.118 of 2021 on the file of the 1st Additional Assistant Sessions Judge, Salem. The petitioner was already granted bail; however, due to his non-appearance before the court, a non-bailable warrant has been issued against him on 09.09.2021, and the same was executed on 17.11.2023.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that due to his ill health, he was unable to appear before the trial court; as a result of his non-appearance, NBW was issued. He



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further submitted that the petitioner has been in custody since 17.11.2023. Hence, he prays for the grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) for the respondent submitted that the petitioner was already granted bail and due to non-appearance, NBW was issued against the petitioner, and he was secured only on 17.11.2023. He further submitted that the case is now posted for examination of witnesses. However, he vehemently opposed to granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering that already the bail was granted to the petitioner and thereafter, due to his non-appearance, the trial Court issued NBW and the same was executed and considering that the petitioner is in custody from 17.11.2023 and now the case is posted for examination of witnesses, this Court is inclined to grant bail to the petitioner subject to the following conditions:



7. Accordingly, the Petitioner is ordered to be released on bail on 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 learned *1st Additional Assistant Sessions Judge, Salem*, and on further conditions that;

[a] the Petitioner shall report before the Jurisdictional Magistrate daily at 10.30 am., until further orders;

[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



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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.

24.09.2024

dk

To

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



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P.DHANABAL,J.
dk

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