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Crl.O.P.No.24445 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

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

Crl.O.P.No.24445 of 2024

Sakthivel

... Petitioner

Vs.

State represented by
The Inspector of Police,
Karipatty Police Station,
Salem District.
(Crime No.333 of 2010).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in S.C.No.305 of 2015 on the file of
the II Additional District and Sessions Judge, Salem District connected with
Crime No.333 of 2010 on the file of the respondent police.

For Petitioner : Mr.P.Vijendran

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

ORDER

The petitioner seeks bail in S.C.No.305 of 2015 on the file of the II



CrI.O.P.No.24445 of 2024

Additional District and Sessions Judge, Salem District, in connection with Crime No.333 of 2010 for the offences punishable under Sections 147, 364, 302 r/w 149, 506(ii) and 201 of IPC. The petitioner has been remanded to custody on 19.06.2024 on execution of NBW issued against him on 18.02.2023.

2.It is a case of jumped bail. The petitioner is an accused in S.C.No.305 of 2015 on the file of the II Additional District and Sessions Judge, Salem District. The petitioner was already granted bail, however, due to non appearance before the Court, Non Bailable Warrant has been issued against him on 18.02.2023 and the same was executed on 19.06.2024.

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 the petitioner was unable to appear before the Trial Court, due to fracture, as a result of non appearance, NBW was issued against him on 18.02.2023. He further submitted that the petitioner has been in custody from 19.06.2024. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.24445 of 2024

WEB COPY

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 19.06.2024. He further submits that the case is now posted for trial. 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 the petitioner was already granted bail and thereafter, due to his non appearance before the Trial Court, NBW was issued and the same has been executed, and the petitioner is in judicial custody from 19.06.2024 and now the case is posted for trial and some of the witnesses were examined and also considering all other factors, 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 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



CrI.O.P.No.24445 of 2024

II Additional District and Sessions Judge, Salem District and on further conditions that;

[b] the Petitioner shall report before the Trial Court on all working days at 10.30 am., until further orders, without fail.

[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



CrI.O.P.No.24445 of 2024

WEB COPY

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

03.10.2024

drl

To

- 1.The II Additional District and Sessions Judge,
Salem District
- 2.The Inspector of Police,
Karipatty Police Station,
Salem District.
- 3.The Superintendent,
Sub Jail, Athur.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.24445 of 2024

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Crl.O.P.No.24445 of 2024

03.10.2024