



Crl.O.P.No.25232 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.25232 of 2024

Vijayan @ Mayakrishnan

...Petitioner/Accused-1

Vs.

The State rep by its
The Inspector of Police,
Madathukulam Police Station,
Tiruppur District.

(Crime No.216 of 2014)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in C.C.No.135 of 2019 on the file of the Judicial Magistrate Court, Madathukulam.

For Petitioner : Mr.M.Sivavarthanan

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



CrI.O.P.No.25232 of 2024

WEB COPY

ORDER

The petitioner seeks bail in C.C.No.135 of 2019 on the file of the Judicial Magistrate Court, Madathukulam, for the offences under Sections 380 & 457 of IPC. The petitioner has been remanded to judicial custody on 02.08.2024 on execution of NBW issued against him on 01.04.2024.

2.It is a case of jumped bail. The petitioner is arrayed as A1 in C.C.No.135 of 2019 on the file of the Judicial Magistrate Court, Madathukulam. The petitioner was already granted bail, however, due to his non appearance before the Trial Court, Non Bailable Warrant has been issued against him on 01.04.2024 and the same was executed on 02.08.2024.

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 due to family situation, the petitioner was unable to appear before the Trial Court, as a result of non appearance, NBW was issued.



Crl.O.P.No.25232 of 2024

He further submitted that the petitioner has been in custody from 02.08.2024 and co-accused in this case was also released on bail. Hence, he prays for 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 on 01.04.2024 and he was secured only on 02.08.2024. He further submitted that the case is now posted for examination of Investigating Officer. He would further submit that co-accused in this case was also released on bail. However, he vehemently opposed to grant bail to the petitioner.

5.I have heard the representation made by the learned counsel on both side.

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 considering the number of



days of incarceration undergone by the petitioner and the case is now posted for examination of Investigating Officer, this Court is inclined to grant bail to the petitioner with certain 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 **Judicial Magistrate Court, Madathukulam**, and on further conditions that;

[b] the Petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders.

[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



CrI.O.P.No.25232 of 2024

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

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

14.10.2024

ata

To

1.The Judicial Magistrate Court, Madathukulam.

2.Sub Jail, Udumalaipet.

3.The Inspector of Police,
Madathukulam Police Station,
Tiruppur District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

ata



WEB COPY



CrI.O.P.No.25232 of 2024

CrI.O.P.No.25232 of 2024

14.10.2024