



Crl.O.P.No.28542 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.28542 of 2023

Villan Kasi @ Kasi S/o. Munusamy

... Petitioner/Accused-6

Vs.

State by
The Inspector of Police,
Velankanni Police Station,
Nagapattinam.

(Crime No.288 of 2022)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail concerned in S.C.No.06 of 2023 pending on the file of the learned Principal District and Sessions Court, Nagapattinam.

For Petitioner : Mr.B.Kalaiarasan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner is A6 in S.C.No.06 of 2023, now pending before the Principal District and Sessions Court, Nagapattinam, seeks bail. Originally, Crime No.288 of 2022 had been registered under Sections 147, 148, 449, 307 & 302 of IPC.

2.The earlier application seeking bail was dismissed on 24.11.2023.

3.Thereafter, on 21.12.2023, interim bail was granted to the petitioner, since a child was born to him and to enable him to spend sometime with his child and his wife.

4.It is stated that the Trial Court had framed charges.

5.This Court had earlier observed that the injured witness should be examined in chief and in cross.

6.The learned counsel for the petitioner presented a copy of the deposition of P.W.1 and it is seen that the chief examination had been conducted and all the counsels for the accused had also cross examined him or adopted cross examination except counsel for A2. But however, the counsel on behalf of this petitioner had cross examined the witness.



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Practically all other accused have been granted bail.

7.A counter affidavit had been filed on behalf of the respondent wherein it is stated that there is every possibility of the accused tampering the witnesses.

8. But balancing all the factors, I am inclined to grant bail to the petitioner with certain conditions.

9.I am conscious of the fact that while granting interim bail, the petitioner had produced two sureties to the satisfaction of the Principal District and Sessions Court, Nagapattinam.

10. 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 (the sureties before the Principal District and Sessions Court, Nagapattinam may be directed, if they are willing, to extend their sureties till completion of the trial or two fresh sureties), and two further sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.I, Nagapattinam**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a



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copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station everyday at 10.30 a.m., except the Court hearing dates at Nagapattinam, till P.W.2 and P.W.3 are completely examined.

(c) the petitioner shall not abscond during trial.

(d) the petitioner shall not tamper with evidence or witness during 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Principal District and Sessions Court, Nagapattinam.
2. The Judicial Magistrate No.I, Nagapattinam.
- 3.The Central Prison, Trichy.
- 4.The Inspector of Police,
Velankanni Police Station,
Nagapattinam.
- 5.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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