



WEB COPY



Crl.O.P.No.27635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27635 of 2024

Shankar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Perundurai Police Station,
Erode.

(Crime No.811 of 2013).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in S.C.No.132 of 2018 pending on the file of the learned II Additional Sessions Judge, Erode.

For Petitioner : Mr.B.Aravinthan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.06.2024 pursuant



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to the non-bailable warrant issued against him on 18.01.2024, seeking bail in in S.C.No.132 of 2018 pending on the file of the learned II Additional Sessions Judge, Erode, in connection with Crime No.811 of 2013.

2. Learned counsel for the petitioner submitted that the petitioner, who is arrayed as A1, is facing trial in S.C.No.132 of 2018 pending on the file of the II Additional Sessions Court, Erode. He further submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates, whereas, due to his illness, he was unable come from his native Trichy to appear before the trial Court on 18.01.2024, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and on coming to know about the issuance of NBW, the petitioner had surrendered before the trial Court. He also submitted that that the petitioner will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner/A1, who is facing trial in S.C.No.132 of 2018 pending on the file of the II Additional Sessions Court, Erode, has



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failed to appear before the trial Court on 18.01.2024, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he had surrendered on 14.06.2024. He also submitted that the third accused in this case died and against the second accused, absconding charge sheet has been filed. He further submitted that there are 36 witnesses in this case and the case now stands posted for examination of LW15 and LW16 on 12.11.2024, hence, he opposed for grant of bail to the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the learned

II Additional Sessions Judge, Erode, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned II Additional Sessions Judge, Erode, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned 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]*;



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

07.11.2024

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To

1. The II Additional Sessions Court, Erode
2. The Inspector of Police,
Perundurai Police Station,
Erode.
3. The District Prison,
Gopichettypalayam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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