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CrI.O.P.No.28131 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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

CrI.O.P.No.28131 of 2024

Mathan @ Manimaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Parangipettai Police Station,
Cuddalore District
(Crime No.121 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in S.C.No.190 of 2019 pending on the file of the II-Additional District an Sessions Judge, Chidambaram, Cuddalore District.

For Petitioner : Mr.G.Pugazhenth

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 22.10.2024 pursuant to the non-bailable warrant issued against him on 21.12.2021 in S.C.No.190



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of 2019 pending on the file of the II-Additional District and Sessions Court, Chidambaram, Cuddalore District in connection with Crime No.121 of 2018 registered for the offence under Sections 294(b), 427 and 506(2) of IPC r/w Section 3 of TNPPD Act, seeks bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is the 1st accused facing trial in S.C.No.190 of 2019 on the file of the learned II-Additional District and Sessions Judge, Chidambaram for the offences under Section 294(b), 427, 506(2) of IPC and Section 3 of TNPPD Act. Thereafter, the petitioner had cooperated for trial and that the examination of witness got over during the year 2019. However, the co-accused in this case absconded and thereafter, the case was periodically adjourned from 18.11.2019 to 23.11.2020 without any progress. During the COVID-19 period, due to communication breakdown with the petitioner's counsel, he was unable to appear before the Court and thereby, non-bailable warrant was issued against him. The petitioner was under the impression that the co-accused had been secured and that there was progress in the case. Thereby, he did not appear before the Court believing that the petition could be filed by his counsel. Whereas, the petitioner later came to understand that



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non-bailable warrant had been issued against the petitioner also and before the petitioner could recall the non-bailable warrant, he was arrested on 22.10.2024. He would further submit that the petitioner was arrested from his residence and he has not absconded. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court, and he will cooperate for the speedy disposal of the case. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for the grant of bail to the petitioner, submitted that the petitioner did not appear before the Court on 21.12.2021, non-bailable warrant came to be issued against him, and he was arrested from his residence and remanded in judicial custody on 22.10.2024. He would further submitted that the case is now stands posted for questioning under Section 313 of Cr.P.C. However, since the co-accused were absconding, there is not progress in the case.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and



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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, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned II-Additional District and Sessions Judge, Chidambaram, Cuddalore District**, 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 report before the learned II-Additional District and Sessions Judge, Chidambaram, Cuddalore District, on all working days at 10.30 a.m. until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness either during investigation or 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]***;

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

7. It is made clear that if the respondent police is unable to secure the co-accused, the learned II-Additional District and Sessions Judge, Chidambaram, Cuddalore District shall take steps to split up the case and deliver judgment within a period of eight weeks from the date of receipt of a copy of this order.

20.11.2024

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The II-Additional District and Sessions Judge, Chidambaram
2. The Inspector of Police,
Parangipettai Police Station,
Cuddalore District.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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