



Crl.O.P.No.28323 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

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

Crl.O.P.No.28323 of 2024

Marimuthu @ Viji

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.

(Crime No.547 of 2012).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in S.C.No.53 of 2014 pending on the file of the Fast Track Mahila Court, Dharmapuri District in connection with Crime No.547 of 2012 on the file of the respondent Police.

For Petitioner : Mr.D.Rameshkumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner,



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who was arrested and remanded to judicial custody on 30.08.2024 pursuant to the non-bailable warrant issued against him on 05.04.2018, seeking bail in in S.C.No.53 of 2014 pending on the file of the Fast Track Mahila Court, Dharmapuri District, in connection with Crime No.547 of 2012 registered for the offence under Sections 341, 366(A), 376, 323, 307, 109 and 120B of IPC.

2. Learned counsel for the petitioner submitted that the petitioner/A3 is facing trial in S.C.No.53 of 2014 pending on the file of the Fast Track Mahila Court, Dharmapuri District. He further submitted that since the petitioner was employed at Orissa for laying pipeline works, he was unable to appear before the trial Court, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him. He also submitted that the co-accused has also been enlarged on bail by this court in Crl.O.P.No.27554 of 2024 and further, the absence of the petitioner is neither willful nor wanton. He further undertakes 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



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respondent, while objecting for grant of bail, submitted that the petitioner/A3, who is facing trial in S.C.No.53 of 2014 pending on the file of the Fast Track Mahila Court, Dharmapuri District, has failed to appear before the trial Court on 05.04.2018, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was arrested on 30.08.2024. He further submitted that the case stands posted today (21.11.2024) and if the petitioner is released on bail, there is a possibility of him absconding and not available for trial proceedings. He also submitted that the petitioner is a habitual offender, against whom, eight previous cases are pending.

4. Heard the learned counsel appearing for the petitioner, 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.



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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** (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the **Fast Track Mahila Court, Dharmapuri**, 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 Fast Track Mahila Judge, Dharmapuri District, on all working days at 10.30 a.m., until further orders;

[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



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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.

21.11.2024

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To

1. The Fast Track Mahila Court,
Dharmapuri District.
2. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
3. The Superintendent,
District Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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