



Crl.O.P.No.28371 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

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

Crl.O.P.No.28371 of 2024

N.Kathiravan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kamanaickenpalayam Police Station,
Tirupur District.
Crime No.116 of 2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act,
pleased to enlarge the petitioner on bail pending further proceedings in
S.C.No.181 of 2021, pending on the file of Subordinate Court at Palladam.

For Petitioner : Mr.R.Suryakumaran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2024, in S.C.No.181 of 2021, in connection with Crime No.116 of 2021, pending on the file of the Subordinate Court, Palladam, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.181 of 2021, for the alleged offence under Sections 279 & 304(A) of IPC, pending on the file of Subordinate Court, Palladam. He further submitted that the petitioner, being a lorry driver, stuck up in North India in his driving trip, hence he was unable to appear before the trial Court on 19.02.2024, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him, pursuant to which, he was arrested on 28.08.2024. He further submitted that the petitioner has got permanent residence and he would co-operate for speedy trial and further he is ready to furnish sufficient sureties, therefore, he prays for grant of bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused facing trial in S.C.No.181 of 2021, pending on the file of the Subordinate Court, Palladam, has failed to appear before the trial Court on 19.02.2024, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 28.08.2024 and the case now stands posted for examination of the Investigating officer. Hence, he opposed for grant of bail to the petitioner.

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

5. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering 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 only)** with **two sureties**, each for a like sum to the satisfaction of the **learned**



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Judicial Magistrate, Palladam, 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 Judicial Magistrate, Palladam on all working days at 10.30 a.m, without fail;

[c] the petitioner shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

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

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.



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To

1. The Judicial Magistrate, Palladam
2. The Inspector of Police,
Kamanaickenpalayam Police Station,
Tirupur District.
3. The Superintendent,
Sub Jail, Palladam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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