



CrI.O.P.No.28475 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

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

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1. Moorthi alias Dhachana Moorthi

2. Prabu

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Hogenakkal Police Station,
Dharmapuri District.
(Crime No.160 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners/A2 & A11 on bail in S.C.No.21 of 2024 Crime No.160 of 2018 on the file of the respondent.

For Petitioners : Mr.S.Thankira

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody pursuant to the non-



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bailable warrant issued against them respectively on 10.08.2024 and 10.06.2024, seeking bail in S.C.No.21 of 2024 pending on the file of the Principal District Court, Dharmapuri District, in connection with Crime No.160 of 2018 registered for the offence under Sections 212, 109 & 302 of IPC.

2. Learned counsel for the petitioners submitted that the petitioners, who are arrayed as A2 and A11 respectively, are facing trial in S.C.No.21 of 2024 pending on the file of the Principal District Court, Dharmapuri District. He further submitted that the petitioners have been regularly appearing before the trial Court on all hearing dates, whereas, due to their illness, they were unable to appear before the trial Court, thereby, the trial Court had issued a Non Bailable Warrant of arrest against them respectively on 10.08.2024 and 10.06.2024 and pursuant to the same, they were arrested on 30.08.2024 and 13.08.2024 respectively. He also submitted that the petitioners are having permanent residence and they will appear before the trial Court on all hearing dates without fail and further, they would co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioners.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners/A2 & A11, who are facing trial in S.C.No.21 of 2024, had failed to appear before the trial Court, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against them, pursuant to which, they were arrested and remanded to judicial custody. He further submitted that the case now stands posted for engaging counsel and several other cases are pending against these petitioners, hence, he opposed for grant of bail to the petitioners.

4. Heard the learned counsel appearing for the petitioners, 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 petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen 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 learned **Judicial Magistrate, Pennagaram**, 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 petitioners shall appear before the learned Principal District Judge, Dharmapuri District, in S.C.No.21 of 2024, on all working days at 10.30 a.m., till framing of charges and thereafter, on all hearing the dates, without fail;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the



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petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

14.11.2024

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To

1. The Principal District Court,
Dharmapuri.
2. The Judicial Magistrate,
Pennagaram.
3. The Inspector of Police,
Hogenakkal Police Station,
Dharmapuri District.
4. The Superintendent,
Central Prison,
Salem.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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