



Crl.O.P.No.28756 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

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

Crl.O.P.No.28756 of 2024

Vasanth @ Vasantheeswaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District.
(Crime No.466 of 2002).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in S.C.No.108 of 2019 on the file of the learned II Additional Sessions Judge, Tiruchengode, in connection with Crime No.466 of 2002 on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A17, who was arrested and remanded to judicial custody under PT



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warrant on 14.10.2024 pursuant to the non-bailable warrant issued against him on 05.08.2024, seeking bail in in S.C.No.108 of 2019 pending on the file of the learned II Additional Sessions Judge, Tiruchengode, in connection with Crime No.466 of 2002 registered for the offence under Sections 450, 395 r/w 397, 506(ii) of IPC.

2. Learned counsel for the petitioner submitted that the petitioner/A17 is facing trial in S.C.No.108 of 2019 pending on the file of the II Additional Sessions Court, Tiruchengode. He further submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates and since he was arrested in another case registered in Crime No.96 of 2024 on the file of the Mallasamudram Police Station, 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 in Crime No.96 of 2024, the petitioner was enlarged on bail by this Court in CrI.O.P.No.27553 of 2024 dated 30.10.2024. He further submitted that the petitioner undertakes that he 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.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submitted that the petitioner/A17, who is facing trial in S.C.No.108 of 2019 pending on the file of the II Additional Sessions Court, Tiruchengode, has failed to appear before the trial Court on 05.08.2024, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was formally arrested on 14.10.2024. He further submitted that the case now stands posted for production of death certificate of A33 on 09.12.2024.

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 including the counter filed by the respondent.

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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **II Additional Sessions Judge, Tiruchengode**, 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, Tiruchengode**, 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



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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.

18.11.2024

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To

1. The II Additional Sessions Court,
Tiruchengode.
2. The Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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