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CrI.O.P.No.29716 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

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

CrI.O.P.No.29716 of 2024

James Band @ Thoja Anand

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Pudupettai.

(Crime No.492 of 2001)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in connection with P.R.C.No.33 of 2017 in Crime No.492 of 2001 on the file of the learned Judicial Magistrate No.II, Panruti.

For Petitioner : Mr.M.Ramalingam

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

ORDER

Petition seeking bail in respect of P.R.C.No.33 of 2017 pending on the file of the learned Judicial Magistrate No.II, Panruti, in connection with



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Crime No.492 of 2001 registered for the offence punishable under Sections 4(1)(i), 4(1)(a) & 4(1)(A) of TNP Act r/w 328, 307, 304(ii) of IPC is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner is arrayed an accused/A7 in P.R.C.No.33 of 2017 pending on the file of the learned Judicial Magistrate No.II, Panruti. He further submits that even the name of the petitioner does not find place in the First Information Report and only at the time of filing the final report, the petitioner was shown as an absconding accused. He also submits that the petitioner was not aware of the case pending against him and since he was not aware of the case and no summons were served on him, he did not appear before the trial Court. He further submits 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 respondent, while objecting for grant of bail, submits that it is the case of hooch tragedy happened in the year 2001. He further submits that the



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petitioner was not arrested during investigation and he was shown as an absconding accused and the case is pending against him for more than 23 years. He further submits that the petitioner is arrayed as A7 in P.R.C.No.33 of 2017 and it is pending committal on the file of the learned Judicial Magistrate No.II, Panruti, and the non-bailable warrant issued against the petitioner was executed only on 05.11.2024. He also submits that the case in P.R.C.No.33 of 2017 is now stands posted on 04.12.2024, therefore if the petitioner is enlarged on bail, there is every possibility of him absconding and not available for trial proceedings.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent Police, and taking note of the facts that the petitioner was not arrested during investigation, he was shown as an absconding accused in the final report and without issuing summons, a non-bailable warrant was issued against him, this Court is inclined to grant bail to the petitioner with certain conditions.



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5. 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** (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Panruti**, 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 No.II, Panruti, in P.R.C.No.33 of 2017 on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Magistrate;**

[c] the petitioner shall not abscond during trial and shall also 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 petitioner released on bail by the learned Magistrate/Trial



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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.

02.12.2024

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To

1. The Judicial Magistrate No.II,
Panruti.
2. The Station House Officer,
Pudupettai.
4. The Superintendent,
Central Prison,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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