



CRL.O.P.No.29800 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM:

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

CRL.O.P.No.29800 of 2024

Kaliaperumal,
S/o.Subbarayan

... Petitioner

Versus

State Rep by
The Inspector of Police,
Valavanur Police Station,
Villupuram District.
(Crime No.1439 of 2020),
S.C.No.138/2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the petitioner on bail in connection with Crime No.1439 of 2020
on the file of respondent Police in S.C.No.138 of 2021 on the file of
Mahalir Neethimandram, Villupuram.

For Petitioner : Mr.R.Sankarasubbu

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



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ORDER

WEB COPY Petition seeking bail in respect of S.C.No.138 of 2021 pending on the file of the Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram, in connection with Crime No.1439 of 2020 registered for the offences punishable under Sections 302, 498(A) and 114 of IPC is on board for consideration.

2.Learned counsel for the petitioner submits that the petitioner is an accused facing trial in S.C.No.138 of 2021 pending on the file of the Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram. He further submits that due to his illness, the petitioner was unable to appear before the trial Court on 04.07.2024, thereby, the trial Court has issued a Nonailable Warrant of arrest against him and pursuant to the same, he was arrested on 31.07.2024. He also 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, submits that the petitioner, who is facing trial in S.C.No.138 of 2021 before the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram, has failed to appear before the trial Court on 04.07.2024, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed on 31.07.2024. He also submits that already the petitioner has filed a bail petition before the learned trial Judge in CrI.M.P.No.6195 of 2024 in S.C.No.138 of 2021 and the same was dismissed on 08.11.2024, therefore if the petitioner is enlarged on bail, there is every possibility of him again absconding and not available for trial proceedings. He further submits that the case now stands posted for examination of the Investigating Officer.

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, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and 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 Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram, 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 Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Villupuram, 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



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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.

28.11.2024

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To

- 1.The Sessions Judge,
Magalir Neethimandram, (Fast Track Mahila Court),
Villupuram.
- 2.The Inspector of Police,
Valavanur Police Station,
Villupuram District.
- 3.The Superintendent,
Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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