



CrI.O.P.No.30676 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

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

CrI.O.P.No.30676 of 2024

Kumaresan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Veeranam Police Station,
Salem District.
(Crime No.243 of 2013)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in S.C.No.308 of 2017 on the file of the learned II Additional District Judge, Salem District.

For Petitioner : Mr.C.Deepakkumar

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

ORDER

Petition seeking bail in respect of S.C.No.308 of 2017 pending on the file of the learned II Additional District Judge, Salem District, in



Crl.O.P.No.30676 of 2024

connection with Crime No.243 of 2013 registered for the offences punishable under Sections 120(B), 302, 109, 34, 392, 397 and 201 of IPC, is on board for consideration.

2. Learned counsel for the petitioner submits that the case is of the year 2013 and the petitioner, who is arrayed as A5, is facing trial in S.C.No.308 of 2017 pending on the file of the learned II Additional District Judge, Salem District. He further submits that the petitioner has been regularly appearing before the trial Court on all hearing dates, however, due to his employment, he had gone to Kerala and he was unable to appear before the trial Court and also unable to contact his counsel, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him on 27.08.2022. He also submits that the petitioner was arrested on 20.09.2024 only when he came to his native and he also undertakes that the petitioner will appear before the trial Court on all hearing dates without fail. He further submits that the petitioner is ready to furnish sufficient sureties and also he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.30676 of 2024

WEB COPY

3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submits that the petitioner/A5, who is facing trial in S.C.No.308 of 2017 before the II Additional District Court, Salem District, has failed to appear before the trial Court on 27.08.2022, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed on 20.09.2024. He further submits that the non-bailable warrant is also pending against the second accused.

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 **II Additional District Judge, Salem District**, and



Crl.O.P.No.30676 of 2024

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 District Judge, Salem District, on all working days at 10.30 a.m., until further orders and he shall also report before the respondent Police on every Saturday at 6.30p.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 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]*;



WEB COPY



CrI.O.P.No.30676 of 2024

[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 269 of B.N.S.

10.12.2024

ham

To

1. The II Additional District Judge,
Salem District.
2. The Inspector of Police,
Veeranam Police Station,
Salem District.
3. The Superintendent,
Central Prison,
Salem District.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.30676 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.30676 of 2024

10.12.2024