



WEB COPY



Crl.O.P.No.30990 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

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

Crl.O.P.No.30990 of 2024

Vijayan @ Viji

... Petitioner

Vs.

The Station House Officer
Mangalampettai Police Station
Cuddalore District
(Crime No.286 of 2000)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in S.C.No.34 of
2023 on the file of the learned District and Sessions Judge, Cuddalore.

For Petitioner : Mr.S.Saravanakumar

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

ORDER

Petition seeking bail in S.C.No.34 of 2023 on the file of the learned
District and Sessions Judge, Cuddalore, in respect of Crime No.286 of 2000
registered for the offences punishable under Sections 147, 148, 323, 324, 506(ii)
and 307 of IPC r/w. Section 3 of TNPPDL Act, is on board for consideration.



Cr1.O.P.No.30990 of 2024

WEB COPY

2.Learned counsel for the petitioner submits that the petitioner is an accused facing trial in S.C. No. 34 of 2023 on the file of the learned District and Sessions Judge, Cuddalore. He further submits that the petitioner was impleaded as an accused in Cr. No. 286 of 2000 for his involvement in a group clash. The petitioner was previously granted bail and regularly appeared before the Court, however, he subsequently secured employment abroad and left the country. He further submits that the petitioner was remanded to custody on 11.11.2024, pursuant to a non-bailable warrant issued in S.C. No. 126 of 2018 (renumbered as S.C. No. 34 of 2023) on the file of the learned Principal Sessions Judge, Cuddalore. He further submits that in S.C. No. 304 of 2002, there are totally 36 accused, the trial for some of the accused has been completed, and for three other accused, the trial was conducted under S.C. No. 126 of 2018. He further submits that the petitioner failed to appear before the trial Court on 02.02.2023, leading to the issuance of a non-bailable warrant, pursuant to which he was formally arrested on 11.11.2024 in S.C. No. 34 of 2023 (split and renumbered as such for the petitioner). The petitioner undertakes to appear before the trial Court on all hearing dates without fail and to cooperate with the trial for its speedy disposal. He further submits that the petitioner undertakes not to leave the country without



Cr1.O.P.No.30990 of 2024

the Court's permission and is willing to surrender his passport before the trial Court. Hence, he prayed for grant of bail to the petitioner.

3.The learned Government Advocate (Criminal Side) appearing for the respondent, while opposing the grant of bail, submits that the petitioner, who is facing trial in S.C. No. 34 of 2023 before the learned District and Sessions Judge, Cuddalore, failed to appear before the trial Court on 02.02.2023. Consequently, a Non-Bailable Warrant was issued against him, which was executed on 11.11.2024. He further submits that in the year 2004, some of the accused were acquitted, but the case against the petitioner remains pending in S.C. No. 34 of 2023. He further submits that if the petitioner is released 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 affidavit filed by the respondent and considering the fact that there is no other case pending against the petitioner and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and



Cr1.O.P.No.30990 of 2024

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 Principal District and Session Judge, Cuddalore, 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 surrender his passport before the learned Principal District and Sessions Judge, Cuddalore;

[c] the petitioner shall appear before the learned Principal District and Sessions Judge, Cuddalore, on all working days at 10.30 a.m., until further orders;

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

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] 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



Cr1.O.P.No.30990 of 2024

WEB COPY

by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala***
[(2005)AIR SCW 5560];

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

18.12.2024

sai

To

1.The Principal District and Session Judge,
Cuddalore

2.The Station House Officer
Mangalampettai Police Station
Cuddalore District

3.The Superintendent,
Central Prison, Cuddalore

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.30990 of 2024

A.D.JAGADISH CHANDIRA, J.
sai

CrI.O.P.No.30990 of 2024

18.12.2024