



WEB COPY



CRL OP NO. 31305 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31305 of 2024

Illayaraj
S/o.Kannaiyan, South Street, Nellithope,
Pappanasam Taluk, Thanjavur-613 502.

Petitioner(s)

Vs

The State Rep by
The Inspector of Police, Tirrupur Rural Police
Station, Tirrupur District. (Crime No.186 of
2009)

Respondent(s)

Criminal Original Petition filed u/s. 482 of BNSS, 2023 praying to
enlarge the petitioner on anticipatory bail in the event of his arrest by the
respondent police in S.C.No.24 of 2012 on the file of the respondent police.

For Petitioner(s): Mr.Vetrivel Bhaskaran

For Respondent(s): Mr.S.Santhosh

Government Advocate [Criminal Side]

ORDER

Apprehending arrest in connection with S.C.No.24 of 2012 registered
for the offences punishable under Section 302 of IPC, the present petition



CRL OP NO. 31305 of 2024

has been filed seeking anticipatory bail.

WEB COPY

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioner was arrested and released on bail in S.C.No.24 of 2012 and he has no other case pending against him. He would further submit that since the petitioner did not appear before the trial Court, NBW has been issued against him on 15.02.2012. He would further submit that the case is of the year 2012 and the petitioner is ready to co-operate for speedy disposal of the case. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner was arrested and released on bail in S.C.No. 24 of 2012 for the offence under Section 302 of IPC on the file of the I Additional District Court, Tiruppur. He would further submit



CRL OP NO. 31305 of 2024

that since the petitioner did not appear before the trial Court and NBW has been issued against the petitioner on 15.02.2012.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **I Additional District Court, Tiruppur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties (Out of which, one surety should blood surety) each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



CRL OP NO. 31305 of 2024

[b] the petitioner and the sureties shall affix his 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;

[c] the petitioner shall appear before the trial Court on all hearing dates until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or 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 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 BNS.

16.12.2024

MSM



CRL OP NO. 31305 of 2024

WEB COPY

To

1. The State Rep by
The Inspector of Police,
Tirrupur Rural Police Station, Tirrupur District.

2. The Public Prosecutor, High Court, Madras.



WEB COPY



CRL OP NO. 31305 of 2024

A.D.JAGADISH CHANDIRA, J.

MSM

Crl.O.P.No.31305 of 2024

16.12.2024