



Crl.O.P.No.31093 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

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

Crl.O.P.No.31093 of 2024

Ponarasu

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Moolanur Police Station,
Tiruppur.
(Crime No.202 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in C.C.No.287 of 2018 pending on the file of the learned Judicial Magistrate, Dharapuram, Tiruppur.

For Petitioner : Mr.Deepanuday

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

ORDER

Petition seeking bail in respect of C.C.No.287 of 2018 pending on the file of the learned Judicial Magistrate, Dharapuram, Tiruppur, in



Crl.O.P.No.31093 of 2024

connection with Crime No.202 of 2018 registered for the offences punishable under Sections 457 & 380 of IPC @ Sections 454 & 380 of IPC, is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner is an accused facing trial in C.C.No.287 of 2018 pending on the file of the learned Judicial Magistrate, Dharapuram, Tiruppur. He further submits that since the petitioner was not aware of the case, he failed to appear before the trial Court, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him on 24.11.2022 and pursuant to the same, he was arrested on 27.09.2024. He further submits that the petitioner undertakes that he 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 the petitioner, who is facing trial in C.C.No.287 of 2018 before the learned Judicial Magistrate, Dharapuram, Tiruppur, has failed to appear before the trial Court on 24.11.2022, thereby, the trial Judge has issued a Non-Bailable Warrant of



Crl.O.P.No.31093 of 2024

arrest against him and the same was executed on 27.09.2024. He further submits that the case now stands posted on 26.12.2024 for summoning LW1 to LW5. He also submits that the petitioner was convicted in the previous case registered against him.

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 considering the fact of the case and 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 **Judicial Magistrate, Dharapuram, Tiruppur**, 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;



Crl.O.P.No.31093 of 2024

[b] the petitioner shall appear before the learned Judicial Magistrate, Dharapuram, Tiruppur, 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 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.

17.12.2024

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CrI.O.P.No.31093 of 2024

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To

1. The Judicial Magistrate,
Dharapuram, Tiruppur.
2. The Sub-Inspector of Police,
Moolanur Police Station,
Tiruppur.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.31093 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.31093 of 2024

17.12.2024