



WEB COPY

Crl.O.P.No.31893 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31893 of 2024

Ilavarasan Alias Ilayarasan
S/o.Uma, Kandian Street Pattukottai Taluk
Thanjavur District

Petitioner(s)

Vs

The State Rep By
The Inspector of Police, All Woman Police Station-
Mannargudi, Thiruvarur - District. (Crime No.08 of
2013)

Respondent(s)

For Petitioner(s):

Veerasekaran D
V Prabhakaran
T Pradeep Raja

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police based on the non-bailable warrant issued against the petitioner in S.C.No.76 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Thiruvarur, connected to the Crime No.08 of 2013, seeks anticipatory bail.



2. Learned counsel appearing for the petitioner submits that based on a complaint given by the defacto complainant against her husband and 7 others, the respondent police registered the case against the petitioner and 7 others in Crime No.8 of 2013 on 07.11.2013, since the petitioner happens to be the relative of the defacto complainant's husband, he has been falsely implicated in the case. He also submitted that the respondent police filed charge sheet in S.C.No.140 of 2017 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur and during the questioning of the accused u/s.313(1)(b) Cr.P.C, except the petitioner herein, all other accused were present before the Trial Court on 25.08.2021, therefore, the Trial Court split up the case against the petitioner in S.C.No.76 of 2021 and the parent case in S.C.No.140 of 2017, as far as other accused persons has ended in acquittal on 20.09.2021. He also submitted that the Trial Court had issued non-bailable warrant and is taking steps for issuance of Proclamation order against the petitioner in S.C.No.76 of 2021 and adjourned the case on 25.02.2025. He further submitted that the petitioner was unable to appear before the Trial Court, since he went to Singapore in the year 2021, on account of his employment and now, he had returned from abroad and ready to appear before the Trial Judge and to co-operate for speedy disposal of the case, therefore, he prays to grant anticipatory bail to the petitioner.



WEB COPY

3. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that, based on the complaint given by the defacto complainant, the respondent police registered a case against the petitioner/ A8 and other accused persons, conducted investigation and filed charge sheet for the offences under Sections 450, 365, 342 and 397 r/w. 395 of IPC in S.C.No.140 of 2017 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur. He also submitted that, in respect of other accused persons, the said case has ended in acquittal on 02.09.2021, since the petitioner herein had not appeared for the trial, the case against the petitioner has been split up in S.C.No.76 of 2021. Due to non-appearance of the petitioner for the trial, the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur issued a non-bailable warrant on 17.09.2021 against the petitioner, subsequently, taking steps for issuance of Proclamation Order against the petitioner. He also submitted that the case is posted for next hearing on 25.02.2025.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, the



submissions made by the learned counsel on either side and considering the nature of offence and the fact that the case against other accused persons has ended in acquittal, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner 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 on which the order copy made ready, before **the learned Sessions Judge, Fast Track Mahila Court, Thiruvavur** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one surety shall be blood relative) 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 Sessions Judge, Fast Track Mahila Court,



Crl.O.P.No.31893 of 2024

Thiruvallur.

WEB COPY

[c] the petitioner shall report before the learned Sessions Judge, Fast Track Mahila Court, Thiruvallur on all working days at 10:30 a.m., until further orders and co-operate for speedy disposal of trial.

[d] the petitioner shall not tamper with evidence or witness during trial.

[e] the petitioner shall not abscond during trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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



Crl.O.P.No.31893 of 2024

A.D. JAGADISH CHANDIRA, J.

stn

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

20.12.2024

stn

To

1. The State Rep By
The Inspector of Police, All Woman Police Station-
Mannargudi, Thiruvarur - District. (Crime No.08 of 2013)

Crl.O.P. No.31893 of 2024