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Crl.O.P.No.31383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31383 of 2024

BALAKRISHNAN

S/o. Jayaram, No.1/815, K S Nagar, Janasakthi
Nagar, Palavanjipalayam, Veerapandi, Tiruppur - 641
605.

Petitioner(s)

Vs

State By, The Inspector Of Police
Nallur Police Station, Tiruppur District. Crime No.
507 Of 2023.

Respondent(s)

For Petitioner(s):

Muthupandi V
N.Mohanapriya
A.Muthu Krishnan

For Respondent(s):

Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest pursuant to the non-bailable warrant issued against him on 22.11.2024, seeking anticipatory bail in in S.C.No.296 of 2023 pending on the file of the learned I Additional District Judge at Tiruppur, in connection with Crime No.507 of 2023.



2. Learned counsel for the petitioner submitted that the petitioner, who is arrayed as A7, is facing trial in S.C.No.296 of 2023 pending on the file of the learned I Additional District Judge at Tiruppur. He further submitted that the petitioner, due to his illness, was unable to appear before the Trial Court on 22.11.2024, thereby, the Trial Court has issued a Non Bailable Warrant of arrest against him and on coming to know about the issuance of NBW, the present petition is filed. He also submitted that that the petitioner 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 anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner/A7, who is facing trial in S.C.No.296 of 2023 pending on the file of the learned I Additional District Judge at Tiruppur, in connected to a case in Crime No.507 of 2023 for the offences under Sections 147, 148, 302, 120(B) and 114 of IPC, has failed to appear before the trial Court on 22.11.2024, thereby, the Trial Judge has issued a Non-Bailable Warrant of arrest against him. He further submitted that the case now stands posted on 03.01.2025, hence, he opposed for the grant of anticipatory bail to the petitioner.



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

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 I Additional District Judge at Tiruppur** 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 a blood surety) each** for a like sum 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 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



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I Additional District Judge, Tiruppur, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Trial Judge;

[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

stn

To

1. State By, The Inspector Of Police
Nallur Police Station,
Tiruppur District.



Crime No. 507 Of 2023.

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A.D. JAGADISH CHANDIRA, J.

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