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Crl.O.P.No.31310 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. 31310 of 2024

Viji @ Vijayan
S/o Rajadurai No. 59-2, Velan Thidal, Nidur,
Mayiladuthurai District and another.

Petitioner(s)

Vs

State Rep.By, The Inspector Of Police,
Mayiladuthurai Police Station , Mayiladuthurai (crime
No.307 /2008)

Respondent(s)

For Petitioner(s):

Pugalenthi Pandiyan
G. Muralidharan
Y.Gomathi

For Respondent(s):

Mr.S.Santhosh
Govt. Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 307 IPC r/w Section 109, 120B IPC, in S.C.No.84 of 2023, pending on the file of the learned Chief Judicial Magistrate, Mayiladuthurai, in connection with Crime No.307 of 2008, seeks anticipatory bail.



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2. Learned Government counsel appearing for the petitioner submitted that the petitioner is facing trial in S.C.No.84 of 2023 on the file of learned Chief Judicial Magistrate, Mayiladuthurai, for the offences under Sections 147, 148, 307 IPC r/w Section 109, 120B IPC. He further submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates, while so, due to his illness, and subsequently, the respondent police have been searching for the petitioner in some other cases, he was unable to appear before the trial Court on 27.06.2024, thereby, a Non Bailable Warrant was issued by the trial Court, against him. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. Learned Government Advocate (Crl.side) submitted that since the petitioner, who is an accused facing trial in S.C.No.84 of 2023, pending on the file of the learned Chief Judicial Magistrate, Mayiladuthurai, has failed to appear before the trial Court on 27.06.2024, the trial Court has issued a Non-Bailable Warrant of arrest against him and now the case stands posted on 06.01.2025 for framing of charges. Hence, he objects for grant of anticipatory bail.



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4. Having heard the learned counsel for the petitioner and the learned 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 **Chief Judicial Magistrate, Mayiladuthurai**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with **two sureties, of which one shall be a blood related 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 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 appear before the learned Chief Judicial Magistrate, Mayiladuthurai on all working dates at 10.30 a.m., till framing of charges and



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thereafter on the dates fixed by the learned Judicial Magistrate.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

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

16.12.2024

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To

- 1.The Chief Judicial Magistrate, Mayiladuthurai
2. The Inspector Of Police,
Mayiladuthurai Police Station , Mayiladuthurai

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