



Crl.O.P.No.794 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

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

Crl.O.P.No.794 of 2025

1. Chella @ Selvakumar
2. Sama @ Muneeswaran

... Petitioners

Vs.

The State represented by,
The Sub-Inspector of Police,
Vaniyambadi Town Police Station,
Tirupathur District.
(Crime No.625 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail in S.C.No.8 of 2024 in Crime No.625 of 2021. pending on the file of the District and Sessions Court, Tirupathur.

For Petitioner : Mr.D.Thirumoorthy

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

ORDER

Petition seeking bail in respect of S.C.No.8 of 2024 pending on the file of the learned District and Sessions Judge, Tirupathur District, in connection with



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Crime No.625 of 2021 registered for the offences punishable under Sections 147, 148, 294(b), 120(B), 302 of IPC r/w 34 of IPC, is on board for consideration.

2. Learned counsel for the petitioners submits that the petitioners, who are arrayed as A2 and A6, are facing trial in S.C.No.8 of 2024 pending on the file of the learned District and Sessions Judge, Tirupathur District. He further submits that since the petitioners were not aware of the case details, they failed to appear before the trial court, thereby, a non-bailable warrant was issued against them on 09.11.2023 and pursuant to the same, they were arrested on 24.05.2024. He also submits that the petitioners undertake that they will appear before the trial Court on all hearing dates without fail and they will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioners.

3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submits that due to non-appearance of the petitioners/A2 & A6, who are facing trial in S.C.No.8 of 2024 before the learned District and Sessions Judge, Tirupathur District, a Non-Bailable Warrant of arrest was issued against them on 09.11.2023 and the same was executed on 24.05.2024. He further submits that there are 21 accused and 54 witnesses in this



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case and initially, the charge sheet was filed against all the accused in P.R.C.No.1 of 2022 and later, due to the absence of the petitioners, the case was split up against them and renumbered as P.R.C.No.32 of 2023, which was later committed to the Court of Sessions in S.C.No.8 of 2024 and the case now stands posted on 27.01.2025. Further, the case in S.C.No.7 of 2024 pending against A7 is also stands posted on 27.01.2025. He further submits that the case in P.R.C.No.3 of 2024 pending against accused 3, 4, 9, 14, 18 and 20 before the Judicial Magistrate, Vaniyambadi, is stands posted on 03.02.2025. He also submits that 14 previous cases are pending against A2 and in respect of A6, two previous cases are pending.

4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Vaniyambadi**, and on further



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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;

[b] the petitioners shall appear before the learned District and Sessions Judge, Tirupathur, on all working days at 10.30a.m., till framing of charges ;

[c] the petitioners shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioners 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 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 of B.N.S.

23.01.2025

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To

1. The District and Sessions Judge,
Tirupathur.
2. The Judicial Magistrate,
Vaniyambadi.
3. The Sub-Inspector of Police,
Vaniyambadi Town Police Station,
Tirupathur District.
4. The Superintendent,
Central Jail, Salem.
5. The Superintendent,
Central Jail, Vellore.
6. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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