



Crl.O.P.No.685 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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

Crl.O.P.No.685 of 2025

Madasamy

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Pudupettai.

(Crime No.490 of 2001)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in connection with P.R.C.No.31 of 2017 in Crime No.490 of 2001 on the file of the learned Judicial Magistrate No.II, Panruti.

For Petitioner : Mr.M.Ramalingam

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

ORDER

Petition seeking bail in respect of P.R.C.No.31 of 2017 pending on the file of the learned Judicial Magistrate No.II, Panruti, in connection with



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Crime No.490 of 2001 registered for the offence punishable under Sections 4(1)(i), 4(1)(A), 4(1)(aa) & 4(1)(aaa) r/w 7 of TNP Act r/w 120(b), 304(ii) of IPC is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner is arrayed an accused/A3 in P.R.C.No.31 of 2017 pending on the file of the learned Judicial Magistrate No.II, Panruti. He further submits that initially the petitioner was arrested in this case and enlarged on bail and thereafter, the petitioner was not aware of the stage of the case and further, no summons were served on him, therefore, he failed to appear before the trial Court. He further submits that pursuant to the non-bailable warrant issued against him he was arrested on 15.11.2024. He also submits that the co-accused in this case has been enlarged on bail by this Court and the petitioner, aged about 71 years, 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 it is the case of

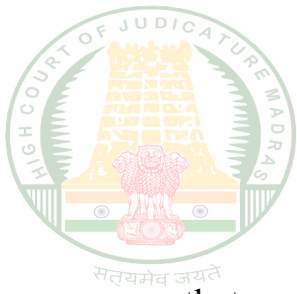


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hooch tragedy happened in the year 2001. He further submits that the petitioner is also the one of the accused in P.R.C.No.31 of 2017, which is pending committal on the file of the learned Judicial Magistrate No.II, Panruti, and the non-bailable warrant issued against the petitioner was executed only after a period of 23 years i.e., on 15.11.2024, therefore if the petitioner is enlarged on bail, there is every possibility of him absconding and not available for trial proceedings.

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 taking note of the facts 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.

5. 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 of the sureties should be the blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Panruti**, and on further conditions



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that:
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[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 Judicial Magistrate No.II, Panruti, in P.R.C.No.31 of 2017 on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Magistrate;

[c] the petitioner shall not abscond during trial and shall also 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]*;



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

28.01.2025

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To

1. The Judicial Magistrate No.II,
Panruti.
2. The Station House Officer,
Pudupettai.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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