



WEB COPY



Crl.O.P.No.1488 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

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

Crl.O.P.No.1488 of 2025

Gopinath

... Petitioner

Vs.

State by its
Station House Officer
Annamalai Nagar Police Station
Cuddalore District
(Crime No.367 of 2010)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in S.C.No.180 of 2024, pending on the file of the Assistant Sessions cum Sub Court, Chidambaram, Cuddalore District.

For Petitioner : Mr.K.G.Senthil Kumar

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

ORDER

Petition seeking bail in respect of Crime No.367 of 2010 registered for



Crl.O.P.No.1488 of 2025

the offence punishable under Section 399 of IPC is on board for consideration.

2.The incarceration of the petitioner being from 08.09.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel submits that the petitioner along with four other accused was charged with dacoity and was originally arrayed as A3. He also submits that the petitioner was earlier granted bail and subsequently condition was also relaxed, however, the petitioner was not served with summons. In the meanwhile, the petitioner went abroad as he secured a job there. Since he did not appear on 30.09.2014, fresh summons were ordered on 01.10.2014, split up charge sheet was filed and NBW came to be issued on 10.10.2014. He submits that an absconding split up charge sheet was filed as against the petitioner in P.R.C. No. 23 of 2014. Non Bailable Warrant was issued on 10.10.2014, the petitioner was secured, the NBW came to be executed and now committed as a case in S.C. No. 180 of 2024. According to the learned counsel, the co-accused were acquitted by the learned Additional Sessions Judge, Chidambaram. Learned counsel submits that the petitioner has been regularly coming back to India every 3 to 4 months and he has no intention to evade the summons and moreover, he has no knowledge about the same. Since



CrI.O.P.No.1488 of 2025

the co-accused have been acquitted, the petitioner is also entitled to be extended the same benefit. He further submits that the petitioner has to engage an advocate to contest the case. He further undertakes 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 case. Hence, he prayed for grant of bail to the petitioner. He further submits that the petitioner undertakes not to leave the country without the Court's permission and is willing to surrender his passport before the trial Court.

3.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail, submits that the case against the petitioner has been committed in S.C. No. 180 of 2024 pending on the file of Assistant Sessions cum Sub Court, Chidambaram. He would also state that as the petitioner failed to appear before the trial court on 10.10.2014, as a result of which, the trial Judge issued a Non-Bailable Warrant for his arrest, which was executed on 08.09.2024. He further submits that with significant effort, the respondent was able to secure the petitioner on 08.09.2024. He further submits that there are totally six witnesses in the case, before the trial Court. He further submits that if the petitioner is granted bail, there is a high risk that he may abscond again and become unavailable for trial proceedings.



Crl.O.P.No.1488 of 2025

WEB COPY

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 considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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**, each for a like sum to the satisfaction of the learned Assistant Sessions cum Sub Court, Chidambaram, Cuddalore District and on further 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 petitioner shall report before the learned II Additional District and Sessions Judge, Chidambaram, Cuddalore District, on all working days at 10.30 am., until further orders;

[c] the petitioner, after coming out on bail, shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;



Crl.O.P.No.1488 of 2025

[d] the petitioner shall report before the learned Assistant Sessions cum Sub Court, Chidambaram, Cuddalore District, on all working days 10.30 am., until further orders;

[e] the petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] 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]***;

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

23.01.2025

sai



WEB COPY



CrI.O.P.No.1488 of 2025

A.D.JAGADISH CHANDIRA, J.

sai

To

1. The II Additional District and Sessions Judge,
Chidambaram, Cuddalore District.

2.The Assistant Sessions cum Sub Court,
Chidambaram, Cuddalore District.

3.The Station House Officer
Annamalai Nagar Police Station
Cuddalore District

4.The Superintendent,
Central Prison, Cuddalore.

5.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No. 1488 of 2025

23.01.2025