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Crl.O.P.No.3731 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

**THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN**

Crl.O.P.No.3731 of 2025

Prabhakaran

... Petitioner

Vs.

The State represented by,  
The Sub-Inspector of Police,  
Kondalampatty Police Station,  
Salem.

(Crime No.73 of 2018).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.73 of 2018 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Sengkodi

For Respondent : Mr.A.Gopinath  
Government Advocate (Crl.Side)

### **ORDER**

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 04.11.2024, seeking bail in S.C.No.52 of 2019 pending on the file of the learned Additional Subordinate Judge, Salem, in connection with Crime No.73 of 2018 registered for the offences under Sections 341, 294(b), 307 read with Section 34 of IPC.



CrI.O.P.No.3731 of 2025

WEB COPY

2. The petitioner is facing prosecution for the offence under Sections 341, 294(b), 307 read with Section 34 of IPC. It is the case of the prosecution that initially, the petitioner was arrested and remanded to judicial custody. Subsequently, the petitioner was enlarged on bail and thereafter, he did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner, pursuant to which, petitioner was arrested on 04.11.2024.

3. The learned counsel appearing for the petitioner would submit that due to ill-health, the petitioner was not able to appear before the lower Court. He would further submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4. The learned Government Advocate (CrI. Side) submitted that this is a case of jumped bail. The petitioner herein is the accused in S.C.No.52 of 2019. Due to non-appearance of the petitioner before the lower Court, the trial judge has issued Non-Bailable Warrant against the petitioner and the petitioner was secured only on 04.11.2024, and if the bail is granted to the petitioner, it is very difficult



Crl.O.P.No.3731 of 2025

to secure him. He further submitted that the petitioner has 10 previous cases.

Hence, he vehemently objected for grant of bail to the petitioner.

5. 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.

6. Considering, the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **I Additional Subordinate Judge, Salem** 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 trial**



CrI.O.P.No.3731 of 2025

WEB COPY

**Court on all working day at 10.30 a.m., and 06.30.p.m.,  
until further orders;**

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

[d] the petitioner shall not tamper with evidence or witness 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 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 B.N.S.

**10.02.2025**

*Sma*

To



Crl.O.P.No.3731 of 2025

1. I Additional Subordinate Judge,  
Salem.
2. The Sub-Inspector of Police,  
Kondalampatty Police Station,  
Salem.
3. The Superintendent,  
Central Prison, Salem.
4. The Public Prosecutor,  
High Court of Madras.



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Crl.O.P.No.3731 of 2025

**G.K.ILANTHIRAIYAN,J.**

*Sma*

**Crl.O.P.No.3731 of 2025**

**14.02.2025**