



CRL O.P. No.3573 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. No.3573 of 2025

Rajaram

... Petitioner / Accused

Versus

State Rep. By
Inspector of Police,
Palladam Police Station,
Tiruppur District.
(Crime No.810 of 2016)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail in C.C.No.190 of 2016 in Crime No.810 of 2016 pending on the file of the learned Judicial Magistrate, Palladam, Tiruppur District.

For Petitioner : Mr. A. Saranraj.

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



CRL O.P. No.3573 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 12.11.2024, seeking bail in C.C. No. 190 of 2016 on the file of the learned Judicial Magistrate, Palladam, Tiruppur district in Crime No.810 of 2016 registered for the offence under Section 392 of IPC.

2. The case of the prosecution is that the petitioner was facing trial for the offence under Section 392 of IPC in C.C.No.190 of 2016 and he had not appeared before the trial Court inspite of summons and hence a non bailable warrant was issued in the year 2018 and the same was executed on 12.11.2024 and the petitioner is still in custody.

3.The learned counsel for the petitioner would submit that the petitioner was not aware of the summons and in fact daily orders of the trial Court would show that the summons sent to the petitioner was returned as 'not known' and hence, the non bailable warrant was issued. In any case, he is in custody from 12.11.2024 and he was on bail in all



CRL O.P. No.3573 of 2025

other previous cases and hence, he prayed for grant of bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) while opposing for grant of bail to the petitioner, reiterated the case of the prosecution and submitted that since the case is pending for trial, if the petitioner is released on bail, there is every possibility of him absconding again and he may not be available for trial. He further submitted that the petitioner is a habitual offender and he has got 17 previous cases pending against him out of which six cases are similar in nature and in those cases, the petitioner is released on bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering, the fact that the summons was not served on the petitioner in the initial stage of the trial; that the petitioner is on bail in



CRL O.P. No.3573 of 2025

other cases; the period of incarceration; and that since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with stringent conditions.

7. 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 Judicial Magistrate, Palladam, Tiruppur District.

[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 Court every working day at 10.30 a.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



WEB COPY



CRL O.P. No.3573 of 2025

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.

13.02.2025

ay

To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
Palladam Police Station,
Tiruppur District.

3. The Judicial Magistrate,
Palladam,
Tiruppur District.

4.The Central Prison,
Coimbatore.

5/6



WEB COPY



CRL O.P. No.3573 of 2025

SUNDER MOHAN. J,

ay

CRL O.P. No.3573 of 2025

13.02.2025