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Crl.O.P.No.3749 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.3749 of 2025

Dhandapani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.
(Crime No.613 of 2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.613 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Vellidoss

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 17.01.2025, seeking bail in C.C.No.242 of 2022 pending on the file of the learned Chief Judicial Magistrate at Namakkal, in connection with Crime No.613 of 2021 registered for the offences under Sections 279, 304(A) of IPC.



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2. The petitioner is facing prosecution for the offence under Sections 279, 304(A) 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 on 17.01.2025, pursuant to which, petitioner was arrested on 17.01.2025.

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 (Crl. Side) submitted that this is a case of jumped bail. The petitioner herein is the accused in C.C.No.242 of 2022. 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 17.01.2025, and if the bail is granted to the petitioner, it is very difficult



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to secure him. 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Chief Judicial Magistrate, Namakkal** 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 Court on all working day at 10.30 a.m., until further



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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

1. Chief Judicial Magistrate, Namakkal.



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2. The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.

3. The Superintendent,
Sub Jail, Namakkal

4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

Sma

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