



Crl.O.P.No.5236 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5236 of 2025

Palani @ Babu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Periyathachur Police Station,
Villupuram District.
(Crime No.382 of 2011).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.382 of 2011, pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.S.Gopu

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 03.12.2024 seeking bail in C.C.No.161 of 2012 pending trial on the file of the learned Judicial Magistrate No.II, Tindivanam, in connection with Crime No.382 of 2011 registered for the offences punishable under Sections 457 and 380 of IPC.



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2. The petitioner is facing prosecution for the offence under Sections 457 and 380 of IPC. The petitioner was initially granted bail during the investigation and during the trial, for his non-appearance, non-bailable warrant was issued on 23.04.2017 and on 03.12.2024, the petitioner was arrested.

3. Learned counsel appearing for the petitioner submitted that, due to illness, petitioner could not appear before the trial Court and that the petitioner's non appearance is neither wilful nor wanton. He further submitted that, in any case, petitioner is in custody from 03.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that, as against A1 and A3, warrant is pending and the trial has not yet commenced. He further submitted that, apart from this case, petitioner has three previous cases and in those cases, he is on bail.



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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 aforesaid facts the period of incarceration; petitioner is on bail in other cases and since further custody is not required, 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 **Judicial Magistrate No.II, Tindivanam**, 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 orders;

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



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[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.

26.02.2025

Sma

To

1. The Judicial Magistrate No.II at Tindivanam
- 2.The Inspector of Police,
Periyathachur Police Station,
Villupuram District.
3. The Superintendent,
District Jail, Vedampattu, Villupuram
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

Sma

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