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Crl.OP.No.16307 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.05.2025

CORAM

THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

Crl.OP.No.16307 of 2025

Suresh

... Petitioner(s) /Accused No.1

Vs.

State represented by the Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.
Crime No.406 of 2022

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to enlarge the petitioner on bail in connection with CC.No.29 of 2023, pending trial on the file of the Judicial Magistrate, Kumarapalayam.

For petitioner(s) : Mr.M.Prabakaran

For Respondent(s) : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 30.09.2024, seeking bail in Crime No.406 of 2022 registered for the offences under Section 379 of IPC.



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2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in CC.No.29 of 2023, pending trial on the file of the Judicial Magistrate, Kumarapalayam. He further submitted that since the petitioner was in ill-health, he was unable to appear before the trial Court, and he was issued with the non-bailable warrant on 11.11.2022 and pursuant to the same, he was arrested on 30.09.2024. He also submitted that the petitioner will undertake that hereafter he will regularly appear before the trial court on all hearing dates and also stated that he is prepared to comply with any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent, while opposing the grant of bail to the petitioner, reiterated the prosecution case.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on



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5. Considering the period of incarceration and also considering the undertaking given by the petitioner that he is ready to co-operate for speedy disposal of the trial, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, Kumarapalayam**, 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 everyday 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



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investigation or trial;

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[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.

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
rkp/ata

Note:

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this court without insisting on certified hard**



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To

1. Judicial Magistrate, Kumarapalayam.
2. The Public Prosecutor,
Madras High Court, Chennai.
3. The Superintendent of Prison,
Central Prison, Palayamkottai,
Thirunelveli District.
4. Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.



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