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Crl.O.P.No.14141 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14141 of 2025

Sakthivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karipatty Police Station,
Salem District.

... Respondent

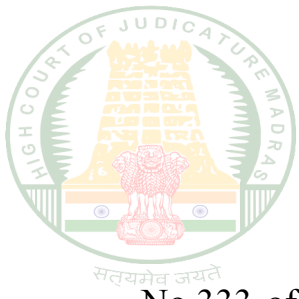
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the case pending in S.C.No.305 of 2015 on the file of the II Additional Sessions Judge, Salem.

For Petitioner : Mr.R.Subramanian

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner/A7, who was arrested and remanded to judicial custody on 19.03.2025 pursuant to the non-bailable warrant issued in S.C.No.305 of 2015 on the file of the II Additional Sessions Judge, Salem, in connection with Crime



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No.333 of 2010 registered for the offences punishable under Sections 147, 364, 302, r/w.149, 506(ii) and 201 of IPC, seeks bail.

2. It is the case of jumped bail. Since the petitioner failed to appear before the trial Court, a non-bailable warrant of arrest was issued against him on 18.10.2024 and pursuant to the same, he was arrested and remanded to judicial custody on 19.03.2025.

3. Learned counsel appearing for the petitioner submitted that the petitioner/A7 is facing trial in S.C.No.305 of 2015 on the file of the II Additional Sessions Judge, Salem. He further submitted that initially the petitioner was arrested in the present case on 19.06.2024 pursuant to a non-bailable warrant issued on 18.02.2023, in which, he got bail from this Court in Crl.O.P.No.24445 of 2024 dated 03.10.2024 and released from Sub Jail, Attur, only on 18.10.2024, therefore, he was unable to appear before the trial Court at the time of hearing on the same day morning, thereby, the trial Court had issued a non-bailable warrant on 18.10.2024. Subsequently, the petitioner was arrested in crime No.871 of 2024 and released only on 19.03.2025 and on the same day, the petitioner was arrested in the present case. He also submitted that non appearance of the petitioner was not deliberate and he is ready to abide by any stringent condition that may be imposed by this Court.



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4. Learned Additional Public Prosecutor appearing for the respondent police opposed for granting bail to the petitioner stating that this is the second non-bailable warrant issued against the petitioner/A7 in the present case. He further submitted that so far 8 witnesses have been examined in this case and the accused are not cross examining the witnesses and delaying the trial.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner will not be a reason for any delay in trial and he will cross examine the witnesses then and there without any delay. Hence, he prayed for grant of bail.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 learned **II Additional Sessions Judge, Salem**, and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

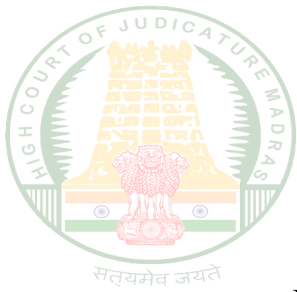
[b] the petitioner, except on the court hearing dates with respect to the other cases registered against him, shall appear before the learned trial Judge, on every Tuesday at 10.30 a.m., until further orders and he shall also appear before the trial Court on all hearing dates without fail;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned



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Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

24.06.2025

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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 copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The II Additional Sessions Judge, Salem District
2. The Inspector of Police,
Karipatty Police Station,
Salem District.
3. The Superintendent,
Sub Jail, Omalur.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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