



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

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THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P. No.13034 of 2025

Parthibaraja @ Raja

..Petitioner/
Accused No.2

/versus/

State represented by
The Inspector of Police,
Sethiyathope Police Station,
Cuddalore District,
Crime No.337 of 2002

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C/482 of BNSS Act pleased to enlarge the petitioner on bail in S.C.No.6 of 2025 on the file of Hon'ble 2nd Additional District and Sessions Judge, Chidambaram.

For Petitioner : Mr.N.Raja

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



ORDER

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Petition seeking bail in respect of S.C.No.6 of 2025 on the file of 2nd

Additional District and Sessions Judge, Chidambaram, in connection with Crime No.337 of 2002 registered for the alleged offences punishable under Sections 394, 398 of IPC is on board for consideration.

2. The case of the prosecution is that it is alleged that on 05.10.2002 at about 08.00 p.m., the petitioner along with other accused, at the instigation of the co-accused, assembled in a riotous crowd with deadly weapon like, knife and they attempted to commit robbery thereby registered the present case.

3. The contention of the petitioner is that the petitioner has been shown as the second accused in Crime No.337 of 2002. The petitioner was neither arrested nor called for enquiry and he was not aware of the pendency of such case. Now, the respondent police has filed charge sheet against the accused and the case was taken on file in S.C.No.6 of 2025. On the date of hearing, the petitioner was not appeared before the trial Court. Hence, NBW has been issued against the petitioner. Based on the same, the



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petitioner was arrested on 13.08.2024. Now, the petitioner understood that the absconding charge sheet has been filed against the accused. The petitioner is residing in Chennai with his family members and he undertakes that he should appear before the trial Court on all the hearing dates without fail. He further submitted that the petitioner is ready to abide by any stringent conditions, that may be imposed by this Court and prayed for bail to the petitioner.

4.The learned Government Advocate (Criminal Side), appearing for the respondent, submitted upon instruction that a charge sheet was filed against three accused persons in Crime No. 337 of 2002, and the case was taken on file as P.R.C. No. 15 of 2003. Subsequently, the second accused/petitioner failed to appear before the trial Court, and the case was split up against him as P.R.C. No. 3 of 2008 on 22.02.2008. Similarly, the first accused also failed to appear, and the case against him was split up as P.R.C. No. 11 of 2005. However, the petitioner did not appear before the trial Court in the split-up case in P.R.C. No. 3 of 2008, and consequently, the Court issued a PT warrant against him. On 31.08.2024, the petitioner was arrested. Thereafter, the case was committed to the Sessions Court, taken on file as S.C. No. 6 of 2025, and charges were framed. A total of 16



witnesses have been cited in this case.

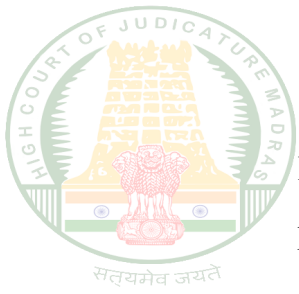
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5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side and it is an admitted fact that the petitioner was not called for enquiry and arrested in the case and he was not aware about the pendency of the case and hence, absconding charge sheet has been filed against him and NBW has been issued and he was remanded on 13.08.2024 and also the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail with the following conditions:

(1) The petitioner shall execute a bond for **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned 2nd Additional District and Sessions Judge, Chidambaram;**

(2) **The petitioner shall appear before the trial Court on all the hearing dates without fail;**

(3) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned



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Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(4) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

(5) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

(6) 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;

(7) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

(8) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

ari/ stn

14.05.2025



Note:-

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- 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 official website of this Court will be watermarked and will also have a QR code.**

To

- 1.The 2nd Additional District and Sessions Judge, Chidambaram.
- 2.The Inspector of Police, Sethiyathope Police Station,
Cuddalore District, Crime No.337 of 2002
- 3.The Superintendent, Prison, Trichy.
- 4.The Public Prosecutor, High Court, Madras.



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M. NIRMAL KUMAR, J.

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