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Crl.O.P.No.14114 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14114 of 2025

Saravanan @ Kovil Saravanan

... Petitioner

Vs.

State Rep by:

The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District.
(Cr.No.1202 of 2005)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in S.C.No.89 of 2014 on the file of the learned District and Sessions Judge at Mayiladuthurai in Crime No.1202 of 2005 on the file of the respondent police.

For Petitioner : Mr.N.Saravanan

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

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 17.04.2025 pursuant to the non-bailable warrant issued in S.C.No.89 of 2014 on the file of the District and Sessions Court, Mayiladuthurai, in connection with



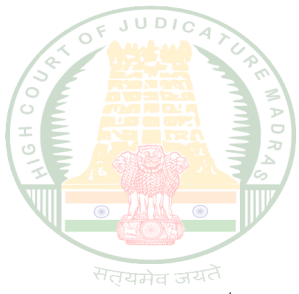
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Crime No.1202 of 2005 registered for the offences punishable under Sections 120(B), 148, 341, 302 r/w 34 of IPC, seeks bail.

2. It is the case of jumped bail. Since the petitioner failed to appear before the trial Court in S.C.No.89 of 2014, a non-bailable warrant of arrest was issued against him on 02.04.2025 and pursuant to the same, he was arrested and remanded to judicial custody on 17.04.2025.

3. The learned counsel for the petitioner submitted that the petitioner has been regularly appearing before the trial Court and participating in the trial. He further submitted that in this case LW1 to LW11 examined on 02.04.2025. The petitioner suddenly fell ill and unable to inform his counsel. Hence, non-bailable warrant issued against the petitioner for his absence on one hearing date. He further submitted that the next hearing date is fixed on 04.06.2025. The petitioner will appear before the trial Court and participate in the trial. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting bail to the petitioner stating that originally Crime No.1202 of 2005 registered against seven persons, charge sheet filed in S.C.No.185 of 2008 against seven persons. The petitioner is originally A5 in the



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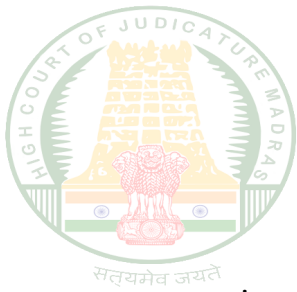
parent case. The petitioner as well as A2 in the parent case were absconded and a split up case against them in S.C.No.89 of 2014 is in progress. In the present case petitioner is arrayed as A2. He further submitted that the case is posted for examination of witnesses LW12 to LW14 on 04.06.2025 and for one hearing date the petitioner was not present. His only apprehension is that, if the petitioner is granted bail, he will be absconding, since in the mother case the original Accused Nos.1, 3 and 4 were convicted. He further submitted that there is no previous case pending against the petitioner.

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

6. It is seen that the petitioner was absent for only one hearing date and he has been participating in the trial. The petitioner shall appear before trial Court and participate in the trial and ensure that trial is not stalled for the petitioner's absence and non-cooperation.

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



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executing a bond for a sum of **Rs.5,000/- (Rupees Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District and Sessions Judge, Mayiladuthurai** and on further conditions that:

[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 shall appear before the trial Court, on every Monday 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



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with law as if the aforementioned 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)13 SCC 283]**;

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

02.06.2025

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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.



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M.NIRMAL KUMAR, J.

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To

- 1.The District and Sessions Judge,
Mayiladuthurai.
- 2.The Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

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