



Crl.O.P.No.31650 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31650 of 2024

Kuzhanthaiyesu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Manalurpet Police Station,
Kallakurichi District.

(Crime No.82 of 2009)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C / 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in in P.R.C.No.18 of 2018 in connection with Crime No.82 of 2009 on the file of the respondent.

For Petitioner : Mr.B.K.Shri Krishna

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

ORDER

Petition seeking bail in respect of P.R.C.No.18 of 2018 pending on the file of the learned Judicial Magistrate, Thirukoilur, is on board for consideration.



Crl.O.P.No.31650 of 2024

WEB COPY

2. Learned counsel for the petitioner submits that the petitioner is an accused/A7 in P.R.C.No.18 of 2018 on the file of the learned Judicial Magistrate, Thirukoilur, in connection with Crime No.82 of 2009 registered on the file of the respondent Police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(2), 307, 149 of IPC. He also submits that the incident was happened during a group clash and since some of the co-accused were acquitted in this case, the petitioner was under the impression that he was also acquitted, thereby, he had gone to Bangalore for employment, whereas, he was not aware of the fact that the case was pending against him. Subsequently, on coming to know about the same, he was taking steps to recall the non-bailable warrant pending against him, during which, he was arrested by the respondent on 17.11.2024. He further submits that the petitioner, who hails from the poor background, is having permanent residence and he undertakes that he will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submits that it is the case of the year 2009 and there are 18 accused in this case and due to the non-



CrI.O.P.No.31650 of 2024

WEB COPY

appearance of the petitioner and other accused, the case was split up against accused A1 to A6, A8 to A10 and A15 to A18 and they were acquitted by the I Additional Assistant Sessions Court, Villupuram in S.C.No.234 of 2018 dated 10.04.2019. He further submits that pursuant to the non-bailable warrant issued against the petitioner/A7, he was arrested on 17.11.2024 and in this case, in respect of A13, the non-bailable warrant is still pending.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and 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** (out of which, one of the sureties should be the blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thirukoilur**, 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;



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Crl.O.P.No.31650 of 2024

A.D.JAGADISH CHANDIRA., J.

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[b] the petitioner shall appear before the learned Judicial Magistrate, Thirukoilur, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during 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 of B.N.S.

21.01.2025

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To

1. The Judicial Magistrate, Thirukoilur.
2. The Inspector of Police,
Manalurpet Police Station, Kallakurichi District.
3. The Superintendent, Sub Jail, Thirukoilur.
4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.31650 of 2024