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Crl.O.P.No.246 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

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**THE HON'BLE MR. JUSTICE M. DHANDAPANI**

**Crl.O.P.No.246 of 2025**

Raja,  
S/o.Ramasamy

... Petitioner

Vs.

State rep. by,  
The Inspector of Police,  
Hasthampatty Police Station,  
Salem.  
(Crime No.356 of 2010).

... 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.12 of 2012, pending trial on the file of the III Additional District and Sessions Judge, Salem.

For Petitioner : Ms.S.Senkodi

For Respondent : Mr.Kishore Kumar  
Government Advocate (Crl.Side)

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**ORDER**

This Criminal Original Petition is filed seeking to enlarge the petitioner on bail, in S.C.No.12 of 2012, pending trial on the file of the III Additional District and Sessions Judge, Salem.



2. The petitioner is charged for the offences u/s 120B, 148, 302, 302 r/w 149, 302 r/w 120(B), 212 of IPC and there are totally 21 accused involved in this case and the petitioner herein is arrayed as A8. Subsequently, the petitioner was enlarged on bail and he was regularly appearing before the trial court. However, on 05.12.2019, due to covid pandemic situation, he was unable to appear before the trial court. Hence, the trial court had issued Non Bailable Warrant against the petitioner on the same day and the same was executed on 22.09.2020. Thereafter, he filed bail applications before this court, which were dismissed on the ground that the petitioner is a history sheeted accused and 13 criminal cases are pending against him. Now, all those criminal cases being ended in acquittal and bind over, no criminal cases are pending against him and the petitioner is in jail for more than four years, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

3. Learned Government Advocate (Criminal Side) appearing for the respondent police filed a status report dated 23.01.2025 and submitted that this is the fifth bail application filed by the petitioner and the earlier bail



applications were dismissed by this court. He further submitted that though no criminal cases are pending against the petitioner, however, the offence committed by the petitioner is heinous in nature. Hence, he vehemently opposed for grant of bail.

4. Paragraph No.18 of the status report dated 23.01.2025 is extracted as follows :-

| <b>S. No.</b> | <b>Police Station, Crime Number, Offence Under Section</b>                             | <b>Stage of the Case</b> |
|---------------|----------------------------------------------------------------------------------------|--------------------------|
| 1             | C-2 Hasthampatty P.S., Cr.No.79/2014, u/s.294(b), 323, 324 IPC                         | Acquittal                |
| 2             | C-2 Hasthampatty P.S., Cr.No.620/2014, u/s.294(b), 506(ii) IPC r/w 4 of TNPHW Act      | Acquittal                |
| 3             | C-2 Hasthampatty P.S., Cr.No.210/2015, u/s.294(b), 324, 506(ii) IPC r/w 4 of TNPHW Act | Acquittal                |
| 4             | C-2 Hasthampatty P.S., Cr.No.604/2015, u/s.387, 506(ii) IPC                            | Acquittal                |
| 5             | C-2 Hasthampatty P.S., Cr.No.283/2019, u/s.75(1) (c) TNCP Act                          | Convicted                |
| 6             | C-2 Hasthampatty P.S., Cr.No.733/2010, u/s.110 Cr.P.C                                  | Bind over                |
| 7             | C-2 Hasthampatty P.S., Cr.No.265/2011, u/s.110 Cr.P.C.                                 | Bind over                |
| 8             | C-2 Hasthampatty P.S., Cr.No.172/2012, u/s.110 Cr.P.C.                                 | Bind over                |
| 9             | C-2 Hasthampatty P.S., Cr.No.15/2013, u/s.110 Cr.P.C.                                  | Bind over                |
| 10            | C-2 Hasthampatty P.S., Cr.No.447/2015, u/s.110 Cr.P.C.                                 | Bind over                |



| <i>S. No.</i> | <i>Police Station, Crime Number, Offence Under Section</i> | <i>Stage of the Case</i> |
|---------------|------------------------------------------------------------|--------------------------|
| 11            | C-2 Hasthampatty P.S., Cr.No.332/2016, u/s.110 Cr.P.C.     | Bind over                |
| 12            | C-2 Hasthampatty P.S., Cr.No.391/2017, u/s. 110 Cr.P.C.    | Bind over                |

5. Having heard the learned counsel for the petitioner and 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, each for a like sum to the satisfaction of the learned **III Additional District and Sessions Judge, Salem** 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 appear before the trial court on every Monday and Friday at 10.30 a.m. and also on each and every hearing date, till the disposal of S.C.No.12 of 2012;**



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[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

23.01.2025

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To

- 1.The III Additional District and Sessions Judge, Salem.
- 2.The Inspector of Police,  
Hasthampatty Police Station,  
Salem.
- 3.The Superintendent,  
Central Prison, Salem.
- 4.The Public Prosecutor, High Court of Madras.



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**M.DHANDAPANI,J.**

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