



Crl.O.P.No.32382 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

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

Crl.O.P.No.32382 of 2024

Suresh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiruvenkadu Police Station,
Mayiladuthurai.

(Crime No.87 of 2011)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in
in S.C.No.52 of 2024 pending trial on the file of the learned District and
Sessions Judge, Mayiladuthurai.

For Petitioner : Mr.U.Kathiravan

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

ORDER

Petition seeking bail in respect of S.C.No.52 of 2024 pending trial
on the file of the learned District and Sessions Judge, Mayiladuthurai, in
connection with Crime No.87 of 2011 registered for the offences punishable
under Sections 452, 323, 325 & 307 of IPC, is on board for consideration.



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2. Learned counsel for the petitioner submits that the petitioner is an accused in S.C.No.52 of 2024 on the file of the learned District and Sessions Judge, Mayiladuthurai. He further submits that since the petitioner had gone to Andhra Pradesh for employment, he was unable to appear before the trial court and also not aware of the non-bailable warrant issued against him on 21.12.2018. He also submits that the absence of the petitioner is neither willful nor wanton 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. He further submits that the petitioner is in custody from 14.11.2024, 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 since the petitioner failed to appear before the trial Court in S.C.No.52 of 2024, the non-bailable warrant came to be issued against him in the year 2018 and the same was executed on 14.11.2024. He further submits that due to the absence of the petitioner, the case was split up against him and the case now stands posted on 07.02.2025.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused



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the materials available on record including the counter filed by the respondent Police 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 blood related 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 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 learned District and Sessions Judge, Mayiladuthurai, 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



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A.D.JAGADISH CHANDIRA., J.

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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.

29.01.2025

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To

1. The District and Sessions Judge,
Mayiladuthurai.
2. The Inspector of Police,
Thiruvankadu Police Station,
Mayiladuthurai.
3. The Superintendent,
Sub Jail, Mayiladuthurai.
5. The Public Prosecutor,
High Court of Madras.

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