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CrI.O.P.No.32467 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

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

CrI.O.P.No.32467 of 2024

Krishna Kumar @ Pulsar Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Annadhanapatty Police Station,
Salem District.
(Crime No.119 of 2021)

... 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.329 of 2024 pending on the file of the learned Principal Assistant Sessions Judge, Salem District.

For Petitioner : Mr.P.M.Jayachandran

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

ORDER

Petition seeking bail in respect of S.C.No.329 of 2024 pending on the file of the learned Principal Assistant Sessions Judge, Salem District, in



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connection with Crime No.119 of 2021 registered for the offences punishable under Sections 341, 392, 397 and 506(2) of IPC, is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner is arrayed as A2 facing trial in S.C.No.329 of 2024 pending on the file of the learned Principal Assistant Sessions Judge, Salem District. He further submits that since the petitioner failed to appear before the trial court, a non-bailable warrant was issued against him on 03.11.2023 and thereafter, when he was arrested in the subsequent cases registered in Crime Nos.107 & 522 of 2024, he was produced in this case under PT warrant on 25.09.2024. He also submits that on 23.10.2024, the detention order passed against the petitioner was also revoked. He further submits that the petitioner 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 the petitioner/A2, who is facing trial in S.C.No.329 of 2024 before the learned Principal Assistant Sessions Judge, Salem District, has failed to appear before the trial Court, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him on 03.11.2023 and the same was executed on 25.09.2024 through PT warrant



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when he was arrested in other cases. He further submits that the case now stands posted on 05.02.2025 for the appearance of the first accused. He also submits that the petitioner is a habitual offender, against whom, 15 previous cases are 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 No.III, 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 learned **Principal Assistant Sessions Judge, Salem**, on all working days at **10.30a.m., until further orders ;**



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[c] the petitioner shall also appear before the respondent Police on every Saturday at 06.30 p.m., until further orders;

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

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] 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]*;

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

23.01.2025

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To

1. The Principal Assistant Sessions Judge, Salem.
2. The Judicial Magistrate No.III, Salem.
3. The Inspector of Police,
Annadhanapatty Police Station, Salem District.
3. The Superintendent,
Central Jail, Salem.
4. The Public Prosecutor, High Court of Madras.

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