

IN THE COURT OF I ADDITIONAL SESSIONS COURT, ERODE

Present : Tmt. J.A.Kokila, M.A.,M.L.,
I Additional District Judge, Erode.

Tuesday, the 15th day of October' 2024

CrI.M.P.No.2863/2024

in

SC.No.17/2023

D.Thirumurugan (Age 49)
S/o Dheethagiri

... Petitioner/Accused

//Versus//

State rep. by Inspector of Police,
Perundurai Police Station,
in Cr.No.972/2011

... Respondent/Complainant

This petition coming on this day for hearing before this court, in the presence of Thiru. L.Thirugnanasampantham, Chief Legal Aid Defense Counsel for petitioner/accused and of Thiru.S.Sivakumar, Additional Public Prosecutor for the State and upon hearing both side arguments and upon perusing the material records and having stood over till this day for consideration, this court passed the following;

ORDER

- 1) Heard both side and perused the material records.
- 2) This petition has been filed by the petitioner counsel u/s.483 of BNSS, praying to release the accused on bail.
- 3) From the records, it is seen that the petitioner along with six others are alleged to have committed the offence of Robbery with an attempt to cause death. Hence, FIR in Cr.No.972/2011 was registered and the petitioner was arrested by the respondent

Police for the alleged offence punishable u/s 392 & 395 of IPC. On 02.04.2024, the petitioner was called absent and NBW was issued by this court. Subsequently, on 31.07.2024 the petitioner was arrested by the respondent police and was remanded on the same day and he is under the judicial custody from 31.07.2024 to till date. Hence, this instant petition.

4) The petitioner counsel has argued that the petitioner is an innocent and has been falsely implicated in the above case. The petitioner is the sole bread winner of his family, he resides permanently with his family and law abiding citizen. The petitioner could not appear for the hearing as his leg was injured and was under treatment and also, is ready to produce sureties as per the order of this court, he will not likely to abscond. The petitioner undertakes not to tamper the prosecution witness and the accused is ready to abide any condition imposed by this court. The petitioner has not filed any bail petition before Honourable High Court of Madras and also he state that because of a fracture in the he had not appeared before this court. Thus, prayed to release the petitioner on bail.

5) Upon notice, the learned Additional Public Prosecutor has submitted that on 31.7.2024, the accused was arrested on execution of NBW issued against him on 02.04.2024 and was remanded to judicial custody. Many times, the accused had remained absent before this court, warrants had been issued for his non-appearance on the due date and the same were also executed. Hence, if the accused is released on bail, again he might abscond, he might continue to commit similar kind of offence and might tamper the witnesses and thereby, object this petition.

6) Therefore, considering the nature and gravity of the accusation, the stage of the proceedings and the admitted fact of leg injury sustained by the accused during the non appearance period, this court is inclined to enlarge the petitioner/ accused on bail with stringent conditions. Accordingly, this petition is disposed of.

In the result, this petition stands allowed and ordered as under;

- i) the petitioner/ accused is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- with two Aadhaar sureties each for the like sum.
- ii) After release, the petitioner shall appear and sign before this court daily at 10.30 A.M., until further orders.
- iii) The sureties shall affix their photographs and left thumb impressions in the surety bond and shall produce proof of identity and proof of residence such as, Aadhaar card/ Bank passbook/ Voters identity card along with their contact numbers.
- iv) The petitioner/accused shall not in any way influence or threaten the witnesses and tamper with the evidence.
- v) The petitioner shall not repeat a crime of similar nature or other nature.
- vi) In the event of any violation of the aforementioned conditions by the petitioner, the prosecution/ police shall be at liberty to take steps for cancellation of this bail.

vii) The petitioner shall appear before this court for hearings without fail and if the petitioner/ accused absconds, a fresh FIR can be registered for an offence u/s. 229A of IPC.

Pronounced by me in the open court on this, the 15th day of October' 2024.

I Additional Sessions Judge,
Erode.