

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.15584 of 2018

IN

SC.NO.144 OF 2010

(ON THE FILE OF ADDITIONAL DISTRICT & SESSIONS JUDGE, CHENGALPET)

RAVI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
MAMALLAPURAM POLICE STATION,
KANCHIPURAM DISTRICT.
S.C.NO.144 OF 2010.
CR.NO.579 OF 2006

[RESPONDENT]

For Petitioner : M/S.ILAYARAJA KANDASAMY Advocate

For Respondent : M/S.T.P.SAVITHA, GOVERNMENT ADVOCATE [CRL.SIDE]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested on 26.08.2016 and remanded to judicial custody by the learned Additional District and Sessions Judge, Chengalpattu on the same day for the offence under Section 302 of IPC in Crime No.579 of 2006 on the file of the respondent police, seeks bail.

2. The petitioner has not appeared before the trial Court on 06.04.2011 hence NBW has been issued against him on 26.08.2016, the petitioner has been arrested on execution of NBW.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not appeared before the trial Court on 06.04.2011 hence NBW has been issued against him and the petitioner undertakes to appear regularly before the trial Court.

4. The learned Government Advocate appearing for the State submitted that the Sessions case is of the year 2010 and if the petitioner is released on bail, the case could not be disposed and hence oppose to grant bail to the petitioner.

5. The petitioner is the 1st accused in S.C.No.144 of 2010 on the file of learned Additional District and Sessions Judge, Chengalpattu. Previously when the case is posted for trial proceedings, NBW was issued against the petitioner for his non appearance. After execution of the NBW on 26.08.2016, the petitioner is in the judicial custody from 26.08.2016. According to the prosecution major portion of the trial proceedings has been completed and other accused in this case are regularly appearing before the trial Court. Apart from this case, the petitioner is not having any other criminal case.

6. Considering the submissions on either side and taking note of the period of detention of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

- (i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Chengalpattu.
- (ii) the petitioner is directed to appear before the respondent police daily at 10.30p.m. until further orders;
- (iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;
- (iv) the petitioner shall not abscond either during investigation or trial;
- (v) On breach of any of the aforesaid conditions, the 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 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]**.
- (vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

20/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, CHENGALPET.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MAMALLAPURAM POLICE STATION,
KANCHIPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

CC to M/S.ILAYARAJA KANDASAMY Advocate on payment of necessary
charges

CRL OP.15584/2018

Date :20/06/2018

MLT-20/06/2018