

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8593 of 2021

M.Loganathan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai - 600 010.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with NBW for non appearance before the II Metropolitan Magistrate, Egmore, Chennai in PRC No.34 of 2014 in Crime No.885 of 2013, on the file of the Inspector of Police, G-3, Kilpauk Police Station, Chennai.

For Petitioner : M/s.Lawman Associates

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is figuring as the sole accused in committal proceedings in P.R.C.No.34 of 2014, on the file of the II Metropolitan Magistrate, Egmore, Chennai, for the offence under Sections 326, 307 & 506 (2) IPC and he absconded on 10.02.2021, leading to issuance of Non Bailable Warrant and it was executed on 16.04.2021.

3.The learned counsel appearing for the petitioner gives an undertaking on instruction from the petitioner that he will not abscond during the trial.

4. Based on the undertaking given by the counsel for the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) If the undertaking given by the counsel for the petitioner, on instructions from the petitioner, is violated, the benefit of the order will be stand recalled automatically and it will be open to the Courts below to issue Non Bailable Warrant against the petitioner. The petitioner may have to forget getting bail thereafter.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, Chennai and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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]**;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

5. With the above directions, this Criminal Original Petition is ordered.

-sd/-

06/05/2021

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 II METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

3 THE INSPECTOR OF POLICE,
G-3, KILPAUK POLICE STATION,
CHENNAI - 600 010.

4 THE OFFICER INCHARGE
SUB JAIL, CHENGALPATTU.

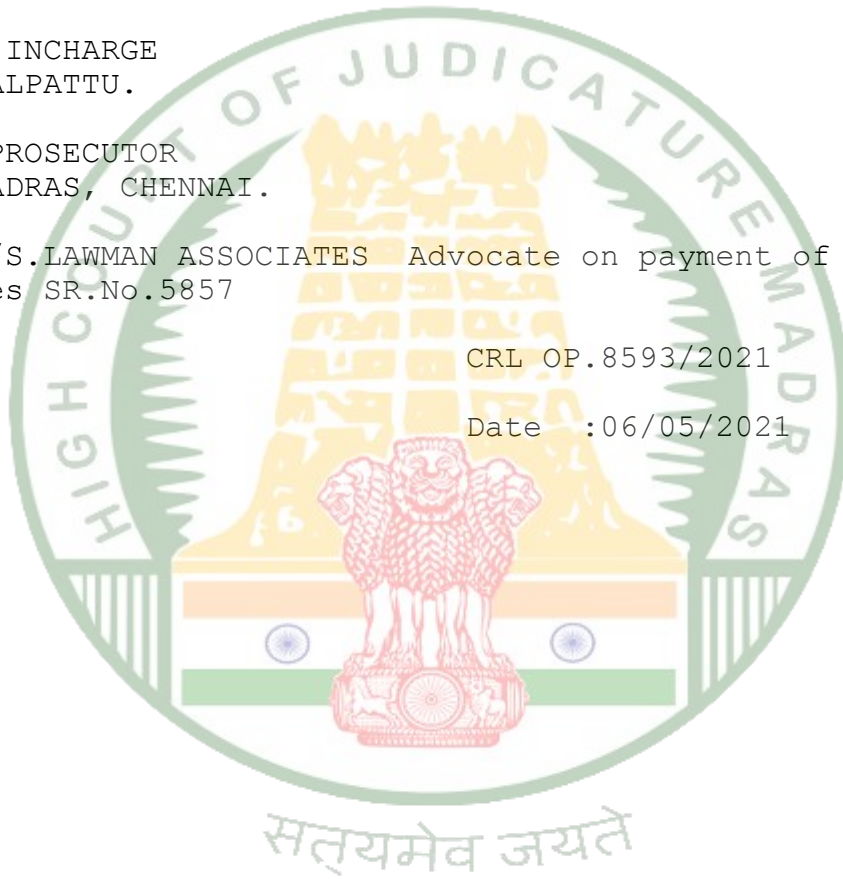
5 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI.

+1 CC to M/S.LAWMAN ASSOCIATES Advocate on payment of
necessary charges SR.No.5857

CRL OP.8593/2021

Date :06/05/2021

rg.07.05.2021



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