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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18308 of 2021

Arul @ Harikrishnan @ Arun

... Petitioner

Vs.

The State of Tamil Nadu,
Rep by Inspector of Police,
Acharapakkam Police Station,
Chengalpattu District.
(Crime No.86 of 2008)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in S.C. No.177 of 2010 on the file of the Additional District and Sessions Judge, Chengalpattu, pending investigation.

For Petitioner : Mr.T. Gowthaman

For Respondent : Mr.A. Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 16.07.2021 and remanded to judicial custody for the offences under Section 302, 302 r/w 34,392 r/w 397 and 404 of IPC, in Crime No.86 of 2008 in S.C. No.177 of 2010 on the file of the Additional District and Sessions Judge, Chengalpattu seeks bail.

2. The learned counsel for the petitioner submitted that due to non-appearance of the petitioner before the trial Court, NBW was issued and the same on 12.03.2021. He further submits that his non-appearance before the trial Court was not willful or wanton and due to some unavoidable reasons he was not able to appear before the Trial Court. He further submitted that the petitioner is ready to co-operate with the trial and to abide by any condition imposed by this Court and is ready appear before the trial on each and every hearing. Hence, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl.Side) would submit due to the non appearance of the petitioner before the Trial Court, non bailable warrant has been issued against the petitioner on 12.03.2021.



He further submits that there is one previous case pending against the petitioner and he is a history sheeter. Hence he opposed for grant of bail to the petitioner.

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4. On perusal of records it is seen that the previous case against the petitioner is of the year 2015 and after 2015 there was no previous case pending against the pending and his history sheet was pending from the year 2009. However there is no case pending against the petitioner after 2015 and considering the fact that the period of incarceration suffered by the petitioner and the petitioner is ready to co-operate with the trial, this Court is inclined to grant bail to the petitioner with certain conditions:

5. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.II, Madurantakam, and on further condition 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 report before the trial Court on all hearing dates without fail.

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

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



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

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-sd/-
01/10/2021

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
CHENGALPATTU.

1 THE JUDICIAL MAGISTRATE NO.II,
MADURANTAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE ,
ACHARAPAKKAM POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S.T.GOWTHAMAN Advocate on payment of necessary charges

CRL OP.18308/2021

Date :01/10/2021

INBA 04/10/2021