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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.23353 OF 2021

Zaildar Singh

... Petitioner

Versus

State represented by
Inspector of Police,
Periyapalayam Police Station,
Thiruvallur District.
(Crime No.10 of 2005).

... Respondent

PRAYER:

Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to call for the records made in Crl.M.P.No.16720 of 2021 order dated 24.09.2021 on the file of the XV Additional Sessions Court, Chennai and set aside the same by relaxing the bail condition to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records made in Crl.M.P.No.16720 of 2021 order dated 24.09.2021 on the file of the XV Additional Sessions Court, Chennai and set aside the same by relaxing the bail condition to secure the ends of justice.

2.The grievance of the petitioner is that NBW was pending against the petitioner in S.C.No.426 of 2008. Thereafter, the petitioner has filed a recall petition in Crl.M.P.No.6829 of 2021. In the petition, the trial Court, by an order dated



15.03.2021, recalled NBW and directed the petitioner to report at 10.30 a.m. daily before the trial Court on all working days until further orders. Thereafter, the petitioner has been complying with the condition imposed in CrI.M.P.No.6829 of 2021 since the petitioner hails from Panjab and he is a teacher and he has got Aadhaar Card and other identity proof. Due to the abovesaid condition, he is unable to make any earning, sustain himself and survive normally. For his survival, he works in Guruthuwar, G.N.Chetti Road, T.Nagar and makes a small earning. This is able to do only on Saturdays and Sundays and other 5 days, he is to appear before the trial Court. The petitioner now undertakes to appear before the trial Court on all the hearing days without fail and whenever, there is no hearing, he shall appear before E1, Thenampet Police Station at 10.30 a.m.

3.The learned Additional Public Prosecutor submits that the case in S.C.No.426 of 2008 is still pending at the trial stage. There are totally seven accused. Three of them absconded. Hence, the case, in respect of A5 to A7, has been split up. As regards the other accused A1 to A3 are in prison and the petitioner/A4 is appearing before the trial Court. There are totally 84 witnesses, on which, 71 witnesses have been recorded. Only 13 more witnesses are to be examined and the trial can be completed within three months and further, considering that the petitioner had been absconding from 2015 and NBW executed against the petitioner on 13.08.2015 and thereafter, it was recalled on 15.03.2021. Only after 6 years relaxing the condition, the petitioner would be again absconding. The case is at the crucial stage. Hence, he strongly objected the same.

4.Considering the submission and on perusal of the materials, it is seen that the case is serious in nature and the case is pending from the year 2008. NBW has been pending against the petitioner for more than six years. After recalling of NBW on 15.03.2021, the petitioner has been appearing before the trial Court. The case is substantially progressed. Only 13 more witnesses to be completed. The petitioner's difficulty is understandable.

5.In view of the same, the condition imposed on the petitioner on 15.03.2021 in CrI.M.P.No.6829 of 2021 is modified to the extent that the petitioner to appear before the trial Court on all the hearing dates in S.C.No.426 of 2008, on the date when there is no hearing, the petitioner to appear before the E1, Thenampet Police Station, which is nearer to Guruthuwar at G.N.Chetti Road, daily at 10.30.a.m.



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6. With the above direction, the criminal original petition is modified.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

sms

To

1. Inspector of Police,
Periyapalayam Police Station,
Thiruvallur District.
(Crime No.10 of 2005).
2. The Inspector of Police,
El, Teynampet Police Station,
Chennai.
3. The XV Additional Sessions Court,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No.67571

CRL.O.P.No.23353 of 2021

BP (CO)
PM/27/12/2021