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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23730 of 2021

Kolanjinathan

... Petitioner

Vs.

State represented by
The Inspector of Police,
K-10, Police Station,
Chennai
Crime No.1330 of 2014.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C. No.1811 of 2015 pending trial before the learned V Metropolitan Magistrate, Egmore, Chennai.

For petitioner : Mr.M.Sankar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.11.2021 for the offences under **Sections 294(b), 354(b) and 506 (i) of IPC**, in Crime No.1330 of 2014, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 25.11.2021 pursuant to the Non Bailable Warrant issued against him.

3. The learned Counsel for the petitioner submitted that it is the case of the year 2014 and he was regularly appearing before the Court. Thereafter, the petitioner due to Covid pandemic, he was unable to appear before the Court and thereby, the learned Judge ordered Non Bailable Warrant against the petitioner following which, the petitioner voluntarily surrendered on 25.11.2021 to recall the warrant during which, the petitioner was arrested and remanded to judicial custody and that he has been suffering incarceration for



more than 10 days from 25.11.2021. He further submitted that the petitioner is prepared to appear regularly before the trial Court and to co-operate for the trial. Hence, he seeks for grant of bail to the petitioner.

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4. The learned Government Advocate raised objection stating that the the petitioner has been arrested pursuant to the non bailable warrant due to his absent before the trial Court during I.O. side examination and if he is released on bail, there is every possibility that the petitioner getting abscond and the trial would get stalled.

5. It is seen that the case is of the year 2015. Trial also began. Considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 V Metropolitan Magistrate, Egmore, Chennai**, and on further conditions 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 is directed to appear before the trial Court on all hearings without fail.

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

(d) the petitioner shall not abscond during 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.

-sd/-
10/12/2021

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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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-10, POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET.

+1 CC to M/S.M.SANKAR Advocate on payment of necessary charges
SR.NO.14455

CRL OP.23730/2021

Date :10/12/2021

TA-10/12/2021