



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

Cr1.O.P.No.6280 of 2022

Sathish @ Koli Sathish

... Petitioner

Vs.

State Rep by
The Inspector of Police
K-4, Anna Nagar Police Station
Chennai.
Crime No.02 of 2019.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending trial before this Hon'ble Court in PRC.No.138 of 2019.

For Petitioner : Mr.A.Vinothkumar

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner/A2 who was arrested and remanded to judicial custody on 09.02.2022 for the offences under Sections 120(B) r/w 302, 147, 148, 341, 302 and 506(ii) IPC, in Crime No.02 of 2019, on the file of the respondent police, seeks bail.

2. This bail petition was filed by the accused in P.R.C.No.138 of 2019. He did not appear before the Court on 06.08.2021 and therefore, NBW was issued against him. He was arrested on the basis of NBW on 09.02.2022 and since then, he is in custody.

3. When the petitioner seeks bail, the learned Additional Public Prosecutor for the respondent opposed to grant bail on the ground that P.R.C. is pending from 2019 because of pendency of NBW.



4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

5. It appears that the petitioner could not appear before the Court on 06.08.2021 because of his ill health and that due to covid 19 pandemic situation, the NBW issued was not recalled immediately.

6. Considering the rival submissions and the reasons and also the fact that the petitioner is in custody from 09.02.2022, this Court grants bail to the petitioner and he is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall 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 V Metropolitan Magistrate Court, Egmore, Chennai.

(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 concerned Court once in a week i.e., Monday at 10.30 a.m. until further orders.

(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.

-sd/-

18/03/2022

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 PRINCIPAL SESSIONS JUDGE,
CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II,
CHENNAI.

5 THE INSPECTOR OF POLICE,
K-4, ANNA NAGAR POLICE STATION,
CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.VINOTHKUMAR Advocate on payment of necessary
charges SR.NO. 4196

CRL OP.6280/2022

Date :18/03/2022

RW 18/03/2022