



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13151 of 2022

Kannan @ Dorikannan

..Petitioner

Vs.

The Inspector of Police,
R-1 Mambalam Police Station,
T.Nagar,
Chennai 600 017.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC.No.89 of 2016 on the file of the learned II Additional Sessions Judge, Chennai in respect of crime No.157 of 2015 on the file of the respondent police.

For Petitioner : M/s.S.Noorudeen

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.12.2021 on execution of Non-Bailable Warrant issued by the learned II Additional Sessions Judge, Chennai for the offence under Sections 120B, 109, 436, 336, 353, 506(ii), 307 r/w 34 of IPC in S.C.No.89 of 2016 in respect of crime No.157 of 2015 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner was arrayed as an accused in crime No.157 of 2015 under Sections 120B, 109, 436, 336, 353, 506(ii), 307 r/w 34 of IPC and on filing of charge sheet, the same was taken cognizance by the learned II Additional Sessions Judge, Chennai in SC.No.89 of 2016, which is pending. Thereafter, the petitioner did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on 19.04.2021. Thereafter, the petitioner was arrested and remanded to judicial custody on 13.12.2021.



3.The learned counsel appearing for the petitioner would submit that due to ill health, the petitioner could not appear before the trial court. Therefore, the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner herein is the accused in SC.No.89 of 2016. Due to non-appearance of the petitioner before the lower Court, the trial judge has issued Non-Bailable Warrant on 19.04.2021 against the petitioner and the petitioner was arrested and remanded to judicial custody on 13.12.2021, and if the bail is granted to the petitioner, it is very difficult to secure him. Hence, he vehemently objected for grant of bail to the petitioner.

5.It is seen that after completion of investigation, the respondent filed final report and the same has been taken cognizance in SC.No.89 of 2016 on the file of the learned II Additional Sessions Judge, Chennai. However, the petitioner was absent before the trial court. As such on NBW, he was arrested and remanded to judicial custody on 13.12.2021.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of the learned XVII Metropolitan Magistrate, Saidapet, Chennai-15 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 shall report before trial Court viz., II Additional Sessions Court, Chennai daily at 10.30 a.m until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
08/06/2022

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 II ADDITIONAL SESSIONS JUDGE,
CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI-15.

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

4 THE INSPECTOR OF POLICE,
R-1 MAMBALAM POLICE STATION,
T.NAGAR, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S. S.NOORUDEEN Advocate on payment of necessary
charges SR.NO.8604

CRL OP.13151/2022

Date :08/06/2022

TA-09/06/2022