



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

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

Cr1.OP.No.14197 of 2022

Rajesh Kumar

.. Petitioner

Vs.

The State rep by  
The Inspector of Police,  
Mamallapuram Police Station,  
Chengalpet District  
crime No.666 of 2005

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC.No.30 of 2009 on the file of the learned Principal District and Sessions Judge, Chengalpet District in respect of crime No.666 of 2005 on the file of the respondent police.

For Petitioner : Mr.G.Balachandar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2022 for the offences punishable under Sections 392 and 397 of IPC in SC.No.30 of 2009 on the file of the learned Principal District and Sessions Judge, Chengalpet District in respect of crime No.666 of 2005 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that in crime No.666 of 2005, the petitioner and other accused persons were arrayed as accused. Thereafter, the respondent police filed final report and the same was taken cognizance in SC.No.191 of 2006. Since the petitioner was absconded from the year 2006, case was split up to SC.No.30 of 2009. On NBW, the petitioner was arrested on 01.04.2022.



3. The learned counsel for the petitioner would submit that trial has been split up and in other sessions cases, co accused were acquitted in both the cases and since the petitioner went to his native place and could not appear before the trial court. He would further submit that the petitioner is ready and willing to abide by any stringent condition. Therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that since the petitioner was not appearing before the trial court regularly, NBW was issued and the petitioner surrendered before the trial court and he was remanded to judicial custody on 01.04.2022.

5. It is seen that though NBW was issued in the year 2009, he was arrested and remanded to judicial custody on 01.04.2022. In other sessions cases, co-accused were acquitted in both the cases. Considering the 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 Principal District and Sessions Judge, Chengalpet, Chengalpet District 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 the trial court viz., Principal District and Sessions Court, Chengalpet, Chengalpet District daily at 10.30 a.m. and 05.30 p.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.

-sd/-  
20/06/2022

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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 PRINCIPAL DISTRICT AND  
SESSIONS JUDGE, CHENGALPET,  
CHENGALPET DISTRICT

2 THE INSPECTOR OF POLICE,  
MAMALLAPURAM POLICE STATION,  
CHENGALPET DISTRICT

3 THE OFFICER INCHARGE  
SUB JAIL, CHENGALPET DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.G.BALACHANDAR Advocate on payment of necessary  
charges SR.NO.9504

CRL OP.14197/2022

Date :20/06/2022

JPA 20/06/2022