



WEB COPY



CrI.OP.No.17687 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2022

CORAM

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

CrI.OP.No.17687 of 2022

Appu @ Premkumar

...Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending of the case in S.C.No.26 of 2021 (Learned XXIII Additional Sessions Judge at Chennai) Connected with the Crime No.869 of 2020 (on the file of the Inspector of Police, C-2, Elephant Gate Police Station, Chennai).

For Petitioner : Mr.M.Illiyas

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



Crl.OP.No.17687 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.07.2022 on execution of Non-Bailable Warrant issued by the learned XXIII Additional Sessions Judge at Chennai for the offence under Sections **294(b), 324, 326, 307, 506(ii) read with Section 34 of IPC** pending trial in S.C.No.26 of 2021 in respect of crime No.869 of 2020 on the file of the respondent police, seeks bail.

2. The petitioner was originally granted bail in Crime No.869 of 2020. After completion of investigation, the respondent police filed charge sheet and the same was taken cognizance in S.C.No.26 of 2021 on the file of the learned XXIII Additional Sessions Judge at Chennai. However, the petitioner was absent before the trial Court on 01.04.2022 and as such, NBW was issued as against the petitioner. On execution of NBW, the petitioner was arrested and remanded to judicial custody on 11.07.2022. While pending NBW, the petitioner have not committed any offence.

3. Considering the above facts and circumstances of the case



CrI.OP.No.17687 of 2022

and also the period of incarceration by the petitioner from the date of his arrest i.e., on 11.07.2022, 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 **XXIII Additional Sessions Judge Allikulam at 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 shall report before the trial Court twice daily at 10.30 a.m. and 5.30 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]**.



Crl.OP.No.17687 of 2022

WEB COPY

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

28.07.2022

mpl



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CrI.OP.No.17687 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

1. The XXIII Additional Sessions Judge Allikulam at Chennai
2. The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras

CrI.O.P.No.17687 of 2022

28.07.2022