



CrI.OP.No.17959 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

CrI.OP.No.17959 of 2022

Sugu @ Sugumar

...Petitioner

Vs.

The Inspector of Police,
K-6, T P Chatram Police Station,
Chennai.

(Crime No.23/2010)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in pending trial in S.C.181/2021 on the file of XVth Additional Sessions Judge, Chennai.

For Petitioner : Mr.C.V.Kumar
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.01.2020 on execution of Non-Bailable Warrant issued by the learned XV Additional Sessions Judge, Chennai for the offence under Sections 341, 392 r/w 397, 336, 427, 506(ii) of IPC in S.C.No.181 of 2021, seeks bail.



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2. The learned counsel appearing for the petitioner submitted that when this case was in PRC stage, NBW was issued against the petitioner by the committal Court and subsequently, the petitioner was produced under PT Warrant on 29.01.2020 and on the same day, he was remanded to judicial custody. Thereafter, this case was committed to the Court of Session and it was registered as S.C.No.181/2021 which is pending before XV Additional Sessions Judge, Chennai at trial stage. The petitioner was convicted by the learned XVIII Additional Sessions Judge, Chennai on 07.01.2019 in S.C.No.122 of 2012 and subsequently, he filed a Criminal Appeal before this Court in Crl.A.No.621 of 2019 and by order dated 30.03.2022, the lower Court judgement was set aside. Due to conviction, the petitioner was unable to appear before the committal Court. He further submitted that his absence was neither wilful nor wanton. Hence, prays for grant of bail to the petitioner.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that in this case, NBW was issued on 11.06.2019 and the same was executed on 29.01.2020.



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4. The petitioner was convicted by the learned XVIII Additional Sessions Judge, Chennai on 07.01.2019 in S.C.No.122 of 2012 for 10 years. Thereafter, the PT Warrant was executed in this case on 29.01.2020.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 29.01.2020, this Court is inclined to grant bail to the petitioner.

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 blood related sureties**, each for a like sum to the satisfaction of the **learned XV Additional Sessions Judge, 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 trial Court twice daily at 10.30 a.m and 5.30 p.m., until further orders.



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[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.

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The XV Additional Sessions Judge, Chennai.
- 2.The Inspector of Police,
K-6, T P Chatram Police Station,
Chennai.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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