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CrI.OP.No.18102 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.18102 of 2022

Shanmugam

...Petitioner

Vs.

State rep. by,
Inspector of Police (L& O),
H-6 R.K. Nagar Police Station,
Chennai.
(Cr.No. 27/2018)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the accused/petitioner on bail pending committal in
P.R.C.No.30 of 2018 on the file of XV Metropolitan Magistrate, G.T.,
Chennai.

For Petitioner : Mr.A.Vinoth Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.06.2022 on execution of Non-Bailable Warrant issued by the learned XV Metropolitan Magistrate, G.T., Chennai for the offence under Sections **147, 148, 341, 302 of IPC** pending committal in P.R.C.No.30 of 2018 in respect of crime No.27 of 2018 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that the petitioner was already enlarged on bail in Crl.M.P.No.16040/2022 by learned X M.M. Egmore, Chennai and due to communicable disease, he was unable to attend the court for few hearings as he was unable to contact his counsel and hence, Non Bailable Warrant was issued against him, in which he was arrested and remanded to judicial custody. Now, the case is posted to 02.08.2022 to appear before Principal Sessions Judge, Chennai. He would further submit that 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.



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3. The petitioner was already granted bail in Crime No.27 of 2018. The petitioner is arrayed as A7. However, the petitioner was absent before the committal Court in P.R.C.No.30 of 2018 and as such, the NBW was issued as against him. Thereafter, by executing NBW, he was arrested and remanded to judicial custody on 20.06.2022. Now, the committal proceedings are over and pending trial in S.C.No.236 of 2022 on the file of the learned II Additional District and Sessions Judge, Chennai.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., on 20.06.2022, 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 XV Metropolitan Magistrate, George Town, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



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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]**.

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

03.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

1. The XV Metropolitan Magistrate, George Town, Chennai
2. The Inspector of Police (L& O),
H-6 R.K. Nagar Police Station,
Chennai.
3. Central Prison-II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras

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03.08.2022