



Crl.OP.No.19110 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2022

CORAM

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

Crl.OP.No.19110 of 2022

V.Ramesh

...Petitioner

Vs.

State Rep. by,
The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.
(Crime No.58 of 2010)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.173 of 2013 in pursuant to the FIR in Crime No.58 of 2010 pending on the file of respondent police.

For Petitioner	: Mr.M.Mohammed Riyaz For M.Manimaran
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.08.2022 on execution of Non-Bailable Warrant issued by the learned V Additional Sessions Judge, Chennai for the offence under Sections **427, 341, 307, 336, 506(ii) of IPC** in S.C.No.173 of 2013 in respect of crime No.58 of 2010 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that initially, the petitioner was arrested and remanded to judicial custody. Subsequently, the petitioner was enlarged on bail and thereafter, he did not appear before the lower Court regularly on 03.09.2015. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner. However, the petitioner got absconded and he was arrested and remanded to the judicial custody on 04.08.2022.

3. After completion of investigation, the respondent police filed final report and the same is taken cognizance in S.C.No.173 of 2013 on the file of the V Additional District Sessions Court, Chennai. However,



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the petitioner failed to appear before the trial court on 03.09.2015 and as such, the trial Court issued NBW as against the petitioner. On execution of NBW, the petitioner was arrested and remanded to judicial custody on 04.08.2022. Already the prosecution has examined PW 1 to PW6. All the prosecution witnesses have turned hostile and as such, there is no blinking possibility for conviction.

4. 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 sureties**, each for a like sum to the satisfaction of the **learned V 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 the trial Court 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



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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 V Additional Sessions Judge, Chennai.

2. The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.

3. Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras

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