



WEB COPY



Crl.OP.No.20698 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2022

CORAM

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

Crl.OP.No.20698 of 2022

Diwakar

...Petitioner

Vs.

State rep by,
The Inspector of Police,
P-3, Vysarpadi Police Station,
Chennai.

Crime No.413 of 2019

...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.402/2019 on the file
of XXII Additional Sessions Court, Chennai.

For Petitioner : Mr.P.Praveen Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 03.08.2022 on execution of Non-Bailable Warrant issued by
the XXII Additional Sessions Court, Chennai for the offence under
Sections 147, 148, 341, 294(b), 302, 506(ii) read with 149 of IPC in



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S.C.No.402 of 2019 in respect of crime No.413 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that in S.C.No.402 of 2019 trial is pending before the XXII Additional Sessions Court and on 21.07.2022, the petitioner was absent for hearing. Hence, NBW was issued and the same was executed on 03.08.2022 as against the petitioner.

3. The petitioner was already granted bail and subsequently, after completion of investigation, the respondent police filed final report and the same has been taken cognizance in S.C.No.402 of 2019 pending trial. The petitioner was absent before the trial Court on 21.07.2022 and NBW was issued. However, the petitioner was immediately secured on execution of NBW on 03.08.2022.

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



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sum of **Rs.10,000/- (Rupees ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **XXII Additional Sessions Court, Allikulam, 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., for a period of six weeks and thereafter on all further hearing dates.

[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.

01.09.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

1. The XXII Additional Sessions Court, Allikulam, Chennai.

2. The Inspector of Police,
P-3, Vysarpadi Police Station,
Chennai.

3. Central Prison Puzhal-II, Chennai.

4. The Public Prosecutor,
High Court of Madras

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01.09.2022