



Crl.O.P.Nos.23349, 23351 & 23353 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.Nos.23349, 23351 & 23353 of 2022

Jana @ Jenarthanam @ Loganathan ... Petitioner in all Crl.O.P.s'

Vs.

The State represented by,
The Inspector of Police,
C-5, Kothaval Chavadi Police Station,
Chennai.

... Respondent in all Crl.O.P.s'

Common Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail pending trial in S.C.Nos.140, 141 & 139 of 2020 respectively, pending before the XVII Sessions District Judge, Chennai.

In all Crl.O.P.s'

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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COMMON ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.07.2022 pursuant to the non bailable warrant of arrest dated 21.12.2021 issued in all these three cases, by the learned XVII Sessions/ District Judge, Chennai, seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner, who is arrayed as A3, is facing trial in S.C.Nos.140, 141 and 139 of 2020 respectively, before the learned XVII Sessions/District Judge, Chennai. He would also submit that due to his illness, the petitioner was unable to appear before the trial Court on 21.12.2021 and the trial Court had issued a non bailable warrant of arrest as against the petitioner. He would further submit that due to his illness, he was unable to surrender and recall the warrant. Meanwhile, the petitioner was arrested on 26.07.2022 and later he has also been detained pursuant to the order passed by the Commissioner of Police, Chennai. Later, the Advisory Board has also advised for revocation of the detention order. He would also state that the



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petitioner is prepared to furnish blood sureties and also to file an affidavit of undertaking that he will appear before the trial Court on all hearing dates without fail. Therefore, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is arrayed as A3 in all the three cases and he has been arrested on 26.07.2022, pursuant to the issuance of non bailable warrant of arrest against him on 21.12.2021. Therefore, he vehemently opposed to grant bail to the petitioner.

4. Heard both the learned counsel and perused the materials available on record.

5. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the fact that the petitioner had undertaken to appear before the trial Court on hearing dates and cooperate for the speedy disposal of the trial, this Court is inclined to grant bail to the petitioner.



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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the **learned XVII Sessions/District 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 appear before the trial Court on all working days at 10.30 a.m., without fail, until further orders;

[c] the petitioner shall also file an affidavit of undertaking on the next hearing date that he will appear before the trial Court on all hearing dates and cooperate for the speedy disposal of the case;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[f] 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]**;

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

26.09.2022

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To

1. The XVII Sessions/District Judge, Chennai,
2. The Inspector of Police,
C-5, Kothaval Chavadi Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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