



WEB COPY



Crl.O.P.No.23889 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.O.P.No.23889 of 2022

Elaya @ Elayakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-7, I.C.F.Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.210 of 2016 on the file of
XVIII Additional Sessions Court, Chennai.

For Petitioner : Mr.R.Muthukumar

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



CrI.O.P.No.23889 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2022 pursuant the non-bailable warrant issued against him on 29.06.2022, in S.C.No.210 of 2016, on the file of the XVIII Additional Sessions Court, Chennai, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner is an accused facing trial in S.C.No.210 of 2016 pending on the file of the learned XVIII Additional Sessions Court, Chennai. He would further submit that since, the petitioner did not appear before the Court on 29.06.2022, a Non Bailable Warrant was issued against him and pursuant to which the petitioner was arrested on 24.08.2022. He would further submit that the petitioner has been all along regularly appearing before the Court from the year of 2016 and on 29.06.2022, due to his illness, he was unable to appear before the Court. He would also submit that the warrant recall petition was also dismissed. He would also reiterate that the petitioner has been all along regularly appearing before the court and he is prepared to comply with



Crl.O.P.No.23889 of 2022

any stringent condition that may be imposed by this Court and ready to furnish sufficient sureties. 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 has been all along regularly appearing before the court and on 29.06.2022, he failed to appear before the Court and therefore, the Court has issued a NBW against him and pursuant to which the petitioner has been arrested on 24.08.2022. Hence, he oppose to grant bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

5. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel and also considering the fact that the petitioner except on 29.06.2022, he has been all along regularly appearing before the court, this Court is inclined to grant bail to the petitioner with certain conditions.



CrI.O.P.No.23889 of 2022

WEB COPY

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 and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned XVIII 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 learned trial Court on all working days, at 10.30 a.m., without fail, 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



CrI.O.P.No.23889 of 2022

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 abscond, a fresh FIR can be registered under Section 229A IPC.

30.09.2022

ham

To

- 1.The XVIII Additional Sessions Judge,
Chennai.
- 2.The Inspector of Police,
K-7, I.C.F.Police Station,
Chennai.
- 3.The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23889 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.23889 of 2022

30.09.2022