



Crl.O.P.No.24086 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

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

Crl.O.P.No.24086 of 2022

S.Appu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-3 Ashok Nagar Police Station,
Chennai - 600 083.

Crime No.151 of 2013

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.500 of 2018 on the file of
XV Additional Sessions Judge, Chennai.

For Petitioner : Mr.D.Padmanabhan

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



WEB COPY



Crl.O.P.No.24086 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2022, in S.C.No.500 of 2018, on the file of the XV Additional Sessions Judge, Singaravelan Malligai, Chennai, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner is a sole accused facing trial in S.C.No.500 of 2018 pending on the file of the learned XV Additional Sessions Judge, Singaravelan Malligai, Chennai in connection with the crime No.151 of 2013 for the offences under Sections 294 (b), 324, 427, 397, 307 and 506(ii) of IPC. He would further submit that the petitioner was granted bail and thereafter, he was regularly appearing before the Court and since the respondent Police has implicated the petitioner in other cases, he did not appear before the Court, due to which, a Nonailable Warrant was issued against him on 02.11.2019 and later he was produced before the learned trial Judge under PT Warrant on 02.08.2022. He would further submit that the learned trial Judge has not cancelled the bail granted to the petitioner and also no reasons have been stated for remanding him under the judicial custody. He would also submit



Crl.O.P.No.24086 of 2022

that the petitioner is ready to comply with any stringent condition that may be imposed by this Court and 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 a habitual offender against whom there are several cases pending and he has been facing trial in S.C.No.500 of 2018 on the file of the learned XV Additional Sessions Judge, Singaravelan Malligai, Chennai. He would further submit that this case is of the year 2013 and since the petitioner absconded, there is no progress in the trial and with a great difficulty the petitioner has been arrested and remanded to judicial custody. He would also submit that the petitioner has a habit of changing his residence and it is difficult for the respondent to trace him. He would also submit that the case is now stands posted on 15.11.2022. Hence, he vehemently oppose for grant of bail to the petitioner.

4. At this juncture, the learned counsel for the petitioner would submit that the petitioner has been granted with bail in all the cases pending against him and he is ready to furnish one blood related surety and one



Crl.O.P.No.24086 of 2022

government surety and he will cooperate for the speedy disposal of the trial.

Hence he prays for grant of bail to the petitioner.

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

6. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel for the petitioner that he has been remanded on PT Warrant and that he has also been granted bail in other cases, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 and the other surety should be a Government Surety), each for a like sum to the satisfaction of the **learned XV Additional Sessions Court, Chennai,**



Crl.O.P.No.24086 of 2022

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 XV Additional Sessions Court, Chennai, on all hearing days (other than the dates on which he has to appear before the other Court), at 10.30 a.m., without fail, until further orders;

[c] the petitioner, in the event of changing his residence, shall inform the same to the respondent Police;

[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;

[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]*;



WEB COPY



Crl.O.P.No.24086 of 2022

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

02.11.2022

ham

To

1. The XV Additional Sessions Court,
Chennai.
2. The Inspector of Police,
R-3 Ashok Nagar Police Station,
Chennai - 600 083.
3. The Sub Jail,
Poonamallee.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.24086 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.24086 of 2022

02.11.2022