



CrI.O.P.No.24833 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

CrI.O.P.No.24833 of 2022

Mandai Dinesh @ Dinesh

... Petitioner

Vs.

State by the Inspector of Police,
K4, Anna Nagar Police Station,
Chennai - 600 107 (Cr No766 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the Petitioner/Accused pending the case in
C.C.No.3921 of 2020 in Cr.No.766/2020 on the file of V M.M. Court,
Egmore, Chennai.

For Petitioner : Mr.N.Selvarajan

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



CrI.O.P.No.24833 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.07.2022, for the offences punishable under Sections 392 of IPC @ 34 of IPC and Section 414 of IPC, in Crime No.766 of 2020, in C.C.No.3921 of 2020, on the file of V M.M. Court, Egmore, Chennai, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner, who is arrayed as A2 in this case, is facing trial in C.C.No.3921 of 2020 pending trial on the file of the V Metropolitan Magistrate Court, Egmore, Chennai, for the offences punishable under Sections 392 of IPC @ 34 of IPC and Section 414 of IPC. He would also submit that the petitioner was initially granted bail and he had been regularly appearing before the Court. However, due to his illness, on 13.04.2022, the petitioner was unable to appear before the Court and the trial Court had issued a non bailable warrant of arrest as against the petitioner. Pursuant to which, the petitioner was arrested on 12.07.2022. He would further submit that non appearance of the petitioner was neither wilful nor wanton, and it is only due to his illness.



Crl.O.P.No.24833 of 2022

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3. He would also state that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court and he also undertakes to cooperate with the trial Court for speedy disposal of the trial. He would further state that the petitioner has a permanent residence and he is also prepared to furnish blood sureties. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is a habitual offender, against whom there are 8 previous cases pending. Since, he did not appear before the trial Court on 13.04.2022, the trial Court had issued a nonailable warrant of arrest as against the petitioner. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel appearing for the petitioner would submit that in all the 8 cases, the petitioner has been granted bail. Therefore, he prays for grant of bail to the petitioner.



Crl.O.P.No.24833 of 2022

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

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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)** each 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 V Metropolitan Magistrate Court, Egmore, 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;



Crl.O.P.No.24833 of 2022

[b] the petitioner shall appear before the learned V Metropolitan Magistrate, Egmore, Chennai, at 10.30 a.m., on all working days, without fail;

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

14.10.2022

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Crl.O.P.No.24833 of 2022

To

1. The V Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
K4, Anna Nagar Police Station,
Chennai - 600 107
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.24833 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No. 24833 of 2022

14.10.2022