



Crl.O.P.No.25467 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

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Selvakumar

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
K-9, Thiru.Vi.Ka. Nagar Police Station,
Chennai.
(Crime No.752 of 2013)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in the event of his arrest pending the
trial case in S.C.No.274 of 2018 on the file of the VII Additional Sessions
Judge, Chennai.

For Petitioner : Mr.S.Sekar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.10.2022, for the offences punishable under Sections 147, 148, 302 r/w 120(b), 201 & 149 of IPC, in Crime No.752 of 2013, on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner, who is arrayed as A5 in this case, is facing trial in S.C.No.274 of 2018 pending on the file of the VII Additional Sessions Judge, Chennai. He would also submit that the petitioner was regularly appearing before the trial Court and due to his illness, he was unable to appear before the Court on 12.08.2022 and thereby, the learned trial Judge had issued non bailable warrant of arrest as against the petitioner. He would further submit that before the petitioner recovered and appeared before the court and recalled the warrant, the respondent police had executed the warrant and the petitioner was arrested pursuant to the warrant on 11.10.2022. He would also state that the petitioner undertakes to cooperate for the speedy disposal of the



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trial and he is prepared to abide by any stringent conditions that may be imposed by this Court. He would further state that the case now stands posted to 04.11.2022 for examination of remaining witnesses. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that there are totally 7 accused in this case and the petitioner is arrayed as A5. He would also submit that he has not appeared before the court on 12.08.2022 and the trial Judge had issued a nonailable warrant of arrest as against the petitioner and the petitioner was arrested on 11.10.2022. Therefore, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and that the petitioner had undertaken to appear before the trial Court regularly and also undertaken to



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cooperate for the speedy disposal of the trial, this Court is inclined to grant bail to the petitioner.

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**, each for a like sum to the satisfaction of the **learned VII 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 VII Additional Sessions Judge, Chennai, daily at 10.30 a.m., until further orders;

[c] the petitioner, after coming out on bail, shall also file an affidavit of undertaking that he will cooperate for the speedy disposal of the trial;

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



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[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]**;

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

19.10.2022

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To

1. The VII Additional Sessions Judge, Chennai.
2. The Inspector of Police,
K-9, Thiru.Vi.Ka. Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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