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Crl.O.P.No.25966 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

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

Crl.O.P.No.25966 of 2022

Babu @ Kandasamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
S.C.No.8 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail who was arrested on the basis of the
non bailable warrant dated 28.07.2022 issued by the XVII Additional Judge,
City Civil Court, Chennai in S.C.No.8 of 2020.

For Petitioner : Mr.S.Shankar

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 02.08.2022, pursuant the non-bailable warrant issued against him on 28.07.2022, in S.C.No.8 of 2020, on the file of the XVII Additional Judge, City Civil and 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.8 of 2020 for the alleged offence under Section 147, 148, 341, 307, 508 (ii) r/w 149 IPC, pending on the file of the learned XVII Additional Judge, City Civil and Sessions Court, Chennai. He would further submit that since, the petitioner did not appear before the Court on 28.07.2022, a Non Bailable Warrant was issued against him and pursuant to the same, the petitioner was arrested on 02.08.2022. He would further submit that the petitioner has been all along regularly appearing before the Court from the year of 2020 and on 28.07.2022, due to his illness, he was unable to appear before the Court. He would also reiterate that the petitioner has been all along regularly appearing before the court and he is prepared to comply with any stringent condition that may be imposed



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by this Court and is ready to co-operate for speedy disposal of the trial.

Therefore, he prays for grant of bail to the petitioner and if only the petitioner comes out on bail, he will be able to engage a counsel to properly defence his side.

3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has failed to appear before the Court on 28.07.2022 and therefore, the Court has issued a NBW against him and pursuant to which, the petitioner has been arrested on 02.08.2022. He would also submit that the case has now been posted for examination of LW1 to LW4 on 28.10.2022. 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



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fact that the petitioner except on 28.07.2022, he has been regularly appearing before the court, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten 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 XVII Additional Judge, City Civil and Sessions Court,, 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, for a period of two weeks and thereafter, on the date fixed by the learned trial Judge;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;



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[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.

27.10.2022

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To

- 1.The XVII Additional Judge, City Civil and Sessions Court,
Chennai.
- 2.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
- 3.The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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