



Crl.O.P.No.25924 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25924 of 2022

Munusamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.
Crime No.1160 of 2011

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner in connection with S.C.No.441 of 2013
pending on the file of the XVIII Additional District & Sessions Judge,
Chennai.

For Petitioner : Mr.A.J.Mohamed Kassim

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 28.09.2022 for the offences punishable under Sections 294(b), 392, 397, 506(ii) IPC r/w Section 34 IPC, in connection with S.C.No.441 of 2013, pending on the file of the XVIII Additional District & Sessions Judge, Chennai.

2. The learned counsel for the petitioner would submit that the petitioner is arrayed as A2, facing trial in S.C.No.441 of 2013 pending on the file of the XVIII Additional District & Sessions Judge, Chennai for the offences under Section 294(b), 392, 397, 506(ii) IPC r/w Section 34 IPC. He would submit that originally the trial Court granted bail to the petitioner and he was regularly appearing before the trial Court. However, on 14.09.2022, the petitioner was unable to appear before the Court below on account of his illness. Therefore, the trial Court issued Non-Bailable Warrant as against him. Thereafter, the petitioner taken steps to surrender and recall the warrant issued against him. However, the respondent executed the warrant and the petitioner was remanded to judicial custody on 28.09.2022. He would further



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submit that the case is pending for service of NBW for the accused/A3 and A4 and the petitioner is ready to file an affidavit of undertaking to appear before the trial Court on all hearing dates and co-operate for the speedy disposal of the trial. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that it is a case of the year 2013. Since the petitioner did not appear before the trial Court, the learned XVIII Additional District & Sessions Judge issued Non-Bailable Warrant against him. Pursuant to which, the petitioner was arrested on 28.09.2022 and he opposed for grant of bail to the petitioner.

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

6. Considering the facts and circumstances of the case and taking into account that it is a case of the year 2013 and the petitioner's undertaking that he will co-operate for speedy disposal of the trial, this Court is inclined to



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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**, of which, one should be a **blood relative either father or mother of the petitioner**, each for a like sum to the satisfaction of the **learned XVIII Additional District & 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 appear before the trial Court on all working days at 10.30 a.m., 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



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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.

8. Since the case relates to the year 2013, the learned XVIII Additional District & Sessions Judge, Chennai shall take every endeavour to see to that the respondent executes the NBW for the remaining absconding accused and dispose the case at the earliest preferably within a period of six months from the date of receipt of a copy of this order.

20.10.2022

Anu

To

1. The XVIII Additional District & Sessions Judge,
Chennai.
2. The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.



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A.D.JAGADISH CHANDIRA., J.

Anu

3. The Superintendent,
Central Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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