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Crl.O.P.No.27636 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

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

Crl.O.P.No.27636 of 2022

Prabu @ Prabudeva

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J-7, Velacherry Police Station,
Chennai.

Crime No.1645 of 2014

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.340 of 2015 on the file of
VII Additional Sessions Judge, Chennai.

For Petitioner : Mr.S.N.Arunkumar

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 22.08.2022 pursuant the non-bailable warrant issued against her on 28.03.2022, for the offence under Sections 147, 148, 109, 302 r/w 149 IPC in S.C.No.340 of 2015, on the file of the learned VII Additional Sessions Court, Chennai, in Crime No.1645 of 2014, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner is an accused (A7) facing trial in S.C.No.340 of 2015 pending on the file of the learned VII Additional Sessions Court, Chennai. He would further submit that originally the petitioner was granted bail in this case and he was regularly appearing before the Court and since, the petitioner did not appear before the Court on 28.03.2022, a Non Bailable Warrant was issued against him and pursuant to which, he was arrested on 22.08.2022. He would further submit that the petitioner on 28.03.2022, due to his sudden illness of severe cold fever with joint pains, he was unable to appear before the Court and unable to instruct his counsel to file a necessary petition. He would also reiterate that the petitioner has been all along regularly appearing before the court and he is in custody from 22.08.2022. He would also submit that the



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petitioner is prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish sufficient sureties and also he 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 defence his side properly.

3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is arrayed as A7 in this case, on 28.03.2022, failed to appear before the Court and therefore, the Court has issued a NBW against him and pursuant to which, the petitioner was arrested on 22.08.2022 and the case now stands posted on 16.11.2022 for examination of witnesses. He would also submit that three previous cases are pending as against the petitioner. However, he oppose for grant of bail to the petitioner.

4. In reply, the learned counsel for the petitioner would submit that the previous cases as against the petitioner are registered only for the offences under Sections 294(b) & 506(ii) IPC and other than that there is no previous case against him. Hence, he prays for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.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 and also considering the fact that the petitioner except on 28.03.2022, he has been all along regularly appearing before the court, 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 VII Additional District and Sessions Judge, Chennai**, and on further conditions that:



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[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 Judge, everyday at 10.30 a.m., for a period of four weeks and thereafter, on the date fixed by the learned trial Judge;

[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.

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To

1. The VII Additional District and Sessions Judge,
Chennai.
2. The Inspector of Police,
J-7, Velacherry 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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