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CrI.O.P.No.27840 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

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

CrI.O.P.No.27840 of 2022

M.Bharath

... Petitioner

Vs.

State by
Inspector of Police,
P-3 Vysarpadi Police Station,
Chennai.
(Crime No.515 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.117 of 2020 on the file of
learned XVIII Additional Sessions Judge, Chennai pending trial.

For Petitioner : Mr.S.Elavarasan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.09.2022, pursuant the non-bailable warrant issued against him on 21.12.2020, in S.C.No.117 of 2020, on the file of the learned XVIII Additional Sessions Judge, Chennai, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner is A2 facing trial in S.C.No.117 of 2020 for the alleged offence under Sections 302, 324, 506(ii) of IPC @ Sections 147, 148, 302, 324, 506(ii) and 149 of IPC, pending on the file of the learned XVIII Additional Sessions Judge, Chennai. He would further submit that the petitioner was unable to appear before the trial Court during the peak of COVID – 19 pandemic period on 21.12.2020, thereby, Non – Bailable Warrant was issued, pursuant to which the petitioner surrendered before the Court on 20.09.2022 and filed an application for recalling the warrant, where as the learned trial Judge dismissed the petition and remanded the petitioner to judicial custody. He would further submit that as on date, the charges have



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been framed and the case now has been posted on 05.12.2022 for examination of witness. He would further submit that the petitioner is aged about 23 years and he has to engage a counsel to conduct the case. He would further submitted that the petitioner is ready to furnish the details of his permanent address and offer blood sureties who shall stand for him and is ready to co-operate with the Trial Court for speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has failed to appear before the Court on 21.12.2020 and therefore, the Court has issued a NBW against him and pursuant to which, the petitioner surrendered before the trial Court and was remanded to judicial custody on 20.09.2022. He would also submit that the case has now been posted for examination of witnesses on 05.12.2022. 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.



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5. 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 21.12.2020, 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.25,000/- (Rupees Twenty Five thousand only)** 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 18th 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 trial Court on all working days, at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;



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

21.11.2022

mpl



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A.D.JAGADISH CHANDIRA.,J.

mpl

To

- 1.The 18th Additional Sessions Judge,
Chennai.
- 2.The Inspector of Police,
P-3 Vysarpadi Police Station,
Chennai.
- 3.Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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