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Crl.O.P.No.27918 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

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

Crl.O.P.No.27918 of 2022

Deepak @ Robert

... Petitioner

Vs.

State represented by,
The Inspector of Police,
K-11 CMBT Police Station,
Chennai.

(Crime No.1530 of 2016)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending trial in S.C.No.603
of 2018 on the file of the learned V Metropolitan Magistrate, Egmore,
Chennai.

For Petitioner : Mr.P.N.Veeramani

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



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ORDER

The Criminal Original Petition has been filed by the petitioner to enlarge him on bail in C.C.No.603 of 2018, pending trial on the file of the learned V Metropolitan Magistrate, Egmore, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.603 of 2018 in Crime No.1530 of 2016 for the alleged offence under Section 379 IPC, pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai. He further submitted that the case is of the year 2016 and the petitioner was regularly appearing before the Court, subsequently, it was informed that the case was settled in Lok Adalat, thereby, he did not appear before the Court, due to which, a Nonailable Warrant was issued by the learned Magistrate on 27.06.2019 and pursuant to the same, the petitioner was arrested on 07.09.2022.

3. He further submitted that the petitioner on believing that the case has been settled in Lok Adalat, he did not appear before the Court and



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other than that there is no intention for the petitioner to evade the court. He also stated that the petitioner is in custody from 07.09.2022 and he further undertakes that he will co-operate for speedy disposal of the trial and he is prepared to comply with any stringent condition that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused facing trial in C.C.No.603 of 2018, on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, has failed to appear before the Court on 27.06.2019 and therefore, the Court has issued a NBW against him and pursuant to which, the petitioner was arrested after three years on 07.09.2022. He also submitted that the petitioner has got a permanent residence. However, he opposed to grant bail to the petitioner.

5. 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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6. Taking into consideration the facts and the circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, 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), each for a like sum to the satisfaction of the **learned V Metropolitan Magistrate, Egmore, 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 V Metropolitan Magistrate, Egmore, Chennai**, on all working days at 10.30 a.m., for a period of one month and thereafter, on the dates fixed by the learned **Magistrate**;



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[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.

18.11.2022

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai – 600 008.
2. The Inspector of Police,
K-11 CMBT Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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