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Crl.O.P.No.27926 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

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

Crl.O.P.No.27926 of 2022

Gnanavel

... Petitioner

Vs.

State rep. by
Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai.

(Crime No.239 of 2009)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.300 of 2022 pending trial
on the filing of the IV Additional Session Judge, Chennai in Crime No.239
of 2009 on the file of the respondent.

For Petitioner : Mr.K.Nivesh Kumar

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



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ORDER

Criminal Original Petition has been filed seeking to enlarge the petitioner herein on bail in S.C.No.300 of 2022, on the file of the learned IV Additional Sessions Judge, Chennai, in connection with the Crime No.239 of 2009, on the file of the respondent Police.

2. The learned counsel for the petitioner submitted that the petitioner is an accused (A2) facing trial in S.C.No.300 of 2022 for the alleged offence under Sections 341, 397 r/w 34 IPC, pending on the file of the learned IV Additional Sessions Judge, Chennai. He further submitted that the petitioner, did not appear before the Court on 18.05.2022, thereby, a Non Bailable Warrant was issued against him. He also stated that originally the bail was granted to the petitioner and he has been appearing before the Court on all hearing dates and since, he was arrested in another case in Crime No.07 of 2022 registered for the offence under POCSO Act, he was unable to appear before the Court on 18.05.2022 and subsequently, he was produced on PT warrant on 06.09.2022, pursuant to the Non-Bailable Warrant issued against him. He also submitted that the petitioner was released on bail in the



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subsequent case in Crime No.07 of 2022 on 29.09.2022 and the petitioner is in custody from 06.09.2022. He also stated that the petitioner is prepared to comply with any stringent condition that may be imposed by this Court and also he is ready to co-operate 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 submitted that since the petitioner, who is an accused A2 facing trial in S.C.No.300 of 2022 , failed to appear before the Court on 18.05.2022, the Court has issued a NBW against him and pursuant to the same, he was produced on PT warrant on 06.09.2022. He further submitted that there are 10 witnesses in this case and the case now stands posted on 02.12.2022 for framing on charges, hence, he opposed 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 circumstances of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioner, 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 and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned IV 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 **learned IV Additional Sessions Judge, Chennai**, on all working days at 10.30 a.m., until further orders;



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[c] the petitioner shall not abscond during trial;

[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.

24.11.2022

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To

1. The IV Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
K-2, Ayanavaram 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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