



Crl.O.P.No.28490 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

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

Crl.O.P.No.28490 of 2022

Saravanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in connection with Crime No.1078
of 2018 in S.C.No.446 of 2019 on the file of the learned XVII Additional
Court, Singaravelar Malligai, Chennai.

For Petitioner : Mr.M.K.Bhoopathy Rajan

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



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ORDER

The criminal original petition has been filed seeking to enlarge the petitioner herein on bail in S.C.No.446 of 2019, on the file of the learned XVII Additional Court, Singaravelar Malligai, Chennai, in connection with the Crime No.1078 of 2018, on the file of the respondent Police.

2. The learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.446 of 2019 for the alleged offence under Sections 509, 427, 304(ii) IPC, pending on the file of the learned XVII Additional Judge, Singaravelar Malligai, Chennai. He further submitted that the petitioner has been all along regularly appearing before the Court on all hearing dates and on 21.02.2022, due to his illness, he was unable to appear before the Court, due to which, a Non Bailable Warrant was issued against him and pursuant to the same, the petitioner was arrested on 08.10.2022. He further stated that the petitioner is ready to 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.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner has been regularly appearing before the court and on 21.02.2022, he failed to appear before the Court, therefore, the Court has issued a NBW against him and pursuant to the same, he was arrested on 08.10.2022. He further submitted that there are 12 witnesses in this case and the case now stands posted on 01.12.2022 for examination of LW 2, 6 to 8, hence, he would oppose for grant of 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.

5. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel and taking note of the fact that the petitioner except on 21.02.2022, he has been regularly appearing before the court and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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**, each for a like sum to the satisfaction of the **learned XVII Additional Judge, Singaravelar Malligai, 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 XVII Additional Judge, Singaravelar Malligai, Chennai, on all working days at 10.30 a.m., until further orders;

[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



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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.

23.11.2022

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To

1. The XVII Additional Court,
Singaravelar Malligai, Chennai
2. The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai - 66.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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