



Crl.O.P.Nos.28924 & 28597 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

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

Crl.O.P.Nos.28924 & 28597 of 2022

R.Udhaya @ Udhayakumar

... Petitioner in both Crl.O.P.Nos.

Vs.

State represented by,
The Inspector of Police,
R-6, Kumaran Nagar Police Station,
Chennai.

Crime Nos.2287 & 2289 of 2013

S.C.Nos.402 of 2014 & 36 of 2016

... Respondent in both Crl.O.P.Nos.

Prayer in Crl.O.P.No.28924 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in S.C.No.402 of 2014 on the file of the V Additional City Civil Court, Chennai, in Crime No.2287 of 2013 on the file of the respondent Police.



Crl.O.P.Nos.28924 & 28597 of 2022

WEB COPY

Prayer in Crl.O.P.No.28597 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in S.C.No.36 of 2016 on the file of the V Additional City Civil Court, Chennai, in Crime No.2289 of 2013 on the file of the respondent Police.

In Both Crl.O.P.Nos.,

For Petitioner : Mr.S.Mohan Raj

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

COMMON ORDER

Criminal Original Petitions have been filed seeking to enlarge the petitioner herein on bail in S.C.Nos.402 of 2014 and 36 of 2016 on the file of the learned V Additional City Civil Court, Chennai in connection with the Crime Nos.2287 & 2289 of 2013 respectively, on the file of the respondent Police.



Crl.O.P.Nos.28924 & 28597 of 2022

2. The learned counsel for the petitioner submitted that these are the third bail applications before this Court and this Court, had dismissed the earlier bail applications filed by the petitioner stating that the petitioner has got 13 previous cases and the two other accused are yet to be secured. He further submitted that the petitioner is an accused facing trial in S.C.Nos.402 of 2014 & 36 of 2016 pending on the file of the learned V Additional City Civil Court, Chennai and since, the petitioner did not appear before the Court on 19.01.2021, a Non Bailable Warrant was issued against him, pursuant to the same, he was arrested on 25.08.2022 and he is in custody for more than 80 days.

3. Learned counsel also submitted that the charges have been framed on 15.11.2022 and now stands posted for list the witnesses 1 to 3 on 29.11.2022. He also stated that since, the said witnesses are crucial witnesses, the petitioner has to instruct his counsel, therefore, he prayed to grant of bail to the petitioner and he is ready to comply with any stringent condition that may be imposed by this Court and also he is prepared to co-operate for speedy disposal of the trial.



Crl.O.P.Nos.28924 & 28597 of 2022

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that these are the third bail applications of the petitioner and he also submitted that these cases are of the year 2013 and in which, the petitioner was arrayed as A1 and due to his absence, the trial has been delayed. He further submitted that the other accused have been secured and the charged have also been framed on 15.11.2022 and the case now stands posted for examination of PW1 to PW3 on 29.11.2022. 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.

6. Taking into consideration the facts and submissions 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.



Crl.O.P.Nos.28924 & 28597 of 2022

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond in each crime number for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with **two sureties** (out of which one surety should be his wife or his own brother), each for a like sum to the satisfaction of the **learned V Additional City Civil Court, 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 Additional City Civil Court, 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



CrI.O.P.Nos.28924 & 28597 of 2022

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

ham

To

1. The V Additional City Civil Court,
Chennai.
2. The Inspector of Police,
R-6, Kumaran Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.Nos.28924 & 28597 of 2022

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.Nos.28924 & 28597 of 2022

24.11.2022