



CrI.O.P.No.28996 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

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

CrI.O.P.No.28996 of 2022

Velraj @ Sori

... Petitioner

Vs.

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

(Crime No.1160 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial in S.C.No.124 of 2019
on the file of the III Additional Sessions Judge, City Civil Court, Chennai.

For Petitioner : Mr.V.Anandhan

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



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CrI.O.P.No.28996 of 2022

ORDER

Criminal Original Petition has been filed seeking to enlarge the petitioner herein on bail in S.C.No.124 of 2019, on the file of the learned III Additional Sessions Judge, City Civil Court, Chennai, in connection with the Crime No.1160 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.124 of 2019 for the alleged offence under Sections 147, 302 r/w 149 IPC, pending on the file of the learned III Additional Sessions Judge, City Civil Court, Chennai. He further submitted that the petitioner has been regularly appearing before the Court and since, he did not appear before the Court on 21.02.2022, a Non Bailable Warrant of arrest was issued against him and pursuant to which, he was arrested on 18.07.2022. He also submitted that since the petitioner was suffering from skin allergy all over the body, he was in his native place for taking treatment and due to which, he was unable to appear before the Court and the petitioner never absconded and he was arrested only from his residence. He further submitted that since some other accused have absconded, the case has been formally adjourned to 06.12.2022 and also



Crl.O.P.No.28996 of 2022

stated that the petitioner is in custody from 18.07.2022 and he is prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish sufficient sureties 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 the petitioner (A5), is an accused facing trial in S.C.No.124 of 2019, pending on the file of the learned III Additional Sessions Judge, City Civil Court, Chennai. He further submitted that on 21.02.2022, the petitioner failed to appear before the Court and therefore, the Court has issued a NBW against him and pursuant to which, the petitioner was arrested on 18.07.2022. He also submitted that the case now formally adjourned to 09.12.2022. Hence, he 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.



Crl.O.P.No.28996 of 2022

WEB COPY

5. Taking into consideration the facts and 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.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten 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 III Additional Sessions Judge, 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 III Additional Sessions Judge, City Civil Court, Chennai**, on all working days at 10.30 a.m., till framing of charges and thereafter, on the dates fixed by the learned trial Judge;



Crl.O.P.No.28996 of 2022

[c] the petitioner shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

01.12.2022

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Crl.O.P.No.28996 of 2022

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To

1. The III Additional Sessions Judge,
City Civil Court, Chennai.
3. 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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Crl.O.P.No.28996 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.28996 of 2022

01.12.2022