



WEB COPY



Crl.O.P.No.29936 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.29936 of 2022

Kumar @ Azhukku Kumar

...Petitioner

Vs.

State rep by,
The Inspector of Police,
Chennai Central Police Station,
Chennai District.
(Crime No.52 of 2021)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending trial in S.C.No.27 of
2022 on the file of the V Additional Sessions Judge, at Chennai.

For Petitioner : Mr.R.Sasikumar

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



Crl.O.P.No.29936 of 2022

WEB COPY

ORDER

The petitioner was arrested on 15.07.2022, on execution of Non-Bailable Warrant issued by the learned V Additional Sessions Judge at Chennai for the offence under Sections **307 of IPC @ 302 of IPC** pending trial in S.C.No.27 of 2022 in respect of crime No.52 of 2021 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution is that the petitioner has been arrayed as an accused in Crime No.52 of 2021 under Sections **307 of IPC @ 302 of IPC** and after filing charge sheet, the same was pending before the learned V Additional Sessions Judge at Chennai. Thereafter, the petitioner did not appear before the lower Court on 18.03.2022. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on the same day. Thereafter, the petitioner was arrested on 15.07.2022.



Crl.O.P.No.29936 of 2022

WEB COPY

3.The learned counsel appearing for the petitioner would submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the lower Court has issued Non-Bailable Warrant against the petitioner on 18.03.2022. Thereafter, the petitioner was arrested on the same day. He would further submit that the case is pending for trial from the year 2021. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner was arrested and released on bail in crime No.52 of 2021. After completion of investigation, the respondent filed final report and the same has been taken cognizance in S.C.No.27 of 2022 pending on the file of the learned V Additional Sessions Judge at Chennai. However, the petitioner was absent before the trial court. As



Crl.O.P.No.29936 of 2022

such, Non Bailable Warrant was issued against him and the same was executed and he was remanded to judicial custody on 15.07.2022.

6.Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 blood sureties**, each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate, George Town, 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 **V Additional Sessions Judge at Chennai twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.**



WEB COPY



Crl.O.P.No.29936 of 2022

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

02.12.2022

sma



WEB COPY



Crl.O.P.No.29936 of 2022

To

1. V Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
Chennai Central Police Station,
Chennai District.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.29936 of 2022

G.K.ILANTHIRAIYAN, J.

sma

Crl.O.P.No.29936 of 2022

02.12.2022