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CrI.O.P.No.32588 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2022

CORAM:

THE HON'BLE MRS.JUSTICE A.A.NAKKIRAN

CrI.O.P.No.32588 of 2022

Abdul Karim
S/o.Mohammed Yusap

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Tiruporur Police Station,
Chengalpattu District.
(Crime No.561 of 2017)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.135 of 2022 in Crime No.561 of 2017 on the file of respondent police.

For Petitioner : Mr.R.Kamesh

For Respondent : Mrs.G.V.Kasthuri
Addl. Public Prosecutor



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ORDER

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2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 28.01.2022 on execution of non bailable warrant issued against him.

3. The learned counsel for the petitioner would submit that the petitioner was earlier granted bail and thereafter, he was regularly appearing before the trial Court. On 05.03.2020, he was unable to appear before the Court and subsequently, the learned Magistrate issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 28.01.2022. He would submit that the petitioner has been suffering incarceration for more than 11 months from 28.01.2022. He would further submit that the petitioner is ready to appear before the Court regularly and to co-operate for the trial. Hence, he prayed to



grant bail to the petitioner.

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4. The learned Addl. Public Prosecutor raised objection stating that there are four previous cases pending against him and for more than one year, the petitioner is absconding and due to his absence, the trial court is not able to conduct trial, and after hectic efforts, he was secured. Therefore, if he is released on bail, he may abscond and the trial would be stalled.

5. Considering the above facts and circumstances of the case and 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 bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the *learned XV 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 learned



Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall appear regularly for each and every hearing before the trial Court without fail.

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond during trial;

(e) the petitioner shall not tamper with evidence or witness during trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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 absconds, a fresh FIR can be registered under Section 229A IPC.



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7. With the above directions, this Criminal Original Petition is ordered.

28.12.2022

rpp/skt

To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
Tiruporur Police Station,
Chengalpattu District.
3. The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai-600 066.
4. The Public Prosecutor,
High Court, Madras



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A.A.NAKKIRAN,J.

rpp/skt

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