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Crl.O.P.No.784 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.784 of 2023

Aasaithambi

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
K1-Sembium Police Station,
Chennai.

C.C.No.166 of 2015

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with C.C.No.166 of
2015 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.Premkumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.10.2022 in C.C.No.166 of 2015 pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, for the offences punishable under Sections 341, 294(b), 325, 506(ii) of IPC, in Crime No.803 of 2014, on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.166 of 2015, pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai. He further submitted that the petitioner was regularly appearing before the Court and due to his illness, he did not appear before the Court on 25.01.2021, thereby, a Non Bailable Warrant was issued against him and pursuant to which, he was arrested on 03.10.2022. He also stated that the petitioner prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish sufficient sureties. Therefore, he prays for grant of bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is arrayed as accused in this case, has failed to appear before the Court on 25.01.2021 and therefore, the Court has issued a NBW against him and pursuant to which, he was arrested on 03.10.2022. However, he opposed to grant bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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**, each for a like sum to the satisfaction of the **learned V Metropolitan Magistrate, Egmore, Chennai**, and on further conditions



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that:
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(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 appear before the learned trial Court on all hearing dates, without fail;

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

(d) the petitioner shall not abscond 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 Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

12.01.2023

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Sub-Inspector of Police,
K1-Sembium Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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