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Crl.O.P.No.4340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM

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

Crl.O.P.No.4340 of 2023

Simiyon Jayaraj

... Petitioner

Vs.

1. The Inspector of Police,
H – 6, RK Nagar Police Station,
Chennai.
Crime No.373 of 2009

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending in FIR in Crime No. 373 of
2009 pending on the file of the respondent.

For Petitioner : Mr.A. Santhana Sinakarthan
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



Crl.O.P.No.4340 of 2023

WEB COPY

ORDER

The petitioner, who was arrested on 24.01.2023 on execution of NBW for the alleged offence under Sections 147, 148, 341, 307, 326, 506(ii) r/w 149 of IPC in SC No. 140 of 2022 in crime No.373 of 2009 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was not appeared before the Trial Court in connection with S.C No. 140 of 2022 in crime No.373 of 2009 due to his ill health. Hence Non Bailable warrant was issued against him and arrested on 24.01.2023.

3. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side).

4. The learned counsel for the petitioner submitted that the petitioner's father was expired on 21.02.2023 at 5 p.m.,. Hence he seeks bail for the petitioner to perform final rites of the petitioner's father. The learned Government Advocate (Crl. Side) also confirms the death of the petitioner's father.



Crl.O.P.No.4340 of 2023

5. Considering the facts and circumstances of the case and also considering the death of the petitioner's father, this Court is inclined to grant bail to the petitioner with the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), before the satisfaction of the Superintendent, Central Prison, Puzhal. Further, due to lack of time, the Prison authorities shall release the petitioner immediately by obtaining online order copy.

[a] After completing the final rites the petitioner shall report before the Concerned Court and recall the warrant within a period of four weeks.

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

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

[d] 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



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Crl.O.P.No.4340 of 2023

Court himself as laid down by the Hon'ble Supreme Court
in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW
5560]**;

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

22.02.2023

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Crl.O.P.No.4340 of 2023

T.V.THAMILSELVI,J.

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To

1. The III Additional Sessions Judge, Chennai.

2. The Central Prison, Puzhal

3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.4340 of 2023

22.02.2023