



WEB COPY



CrI.O.P.No.5341 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

CrI.O.P.No.5341 of 2023

R.Aravind @ Sevatu Aravindan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.

(Crime No.1684 of 2017).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in S.C.No.41 of 2021 pending
investigation on the file of the learned XXII Additional Judge, Chennai.

For Petitioner : Mr.B.Devakumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



CrI.O.P.No.5341 of 2023

WEB COPY

ORDER

Criminal Original Petition has been filed seeking to enlarge the petitioner herein, on bail in S.C.No.41 of 2021, on the file of the learned XXII Additional Judge, Chennai, in connection with the Crime No.1684 of 2017, on the file of the respondent Police.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.41 of 2021 for the alleged offence under Sections 341, 294(b), 326, 307, 506(ii) r/w 34 of IPC, pending on the file of the learned XXII Additional Judge, Chennai. He further submitted that the petitioner has been all along regularly appearing before the Court on all hearing dates, while so, due to his illness, he was unable to appear before the Court on 16.03.2022. He also submitted that the petitioner is a deaf person and due to his illness and also due to mis-communication with his Advocate, he was unable to file the petition under Section 317 Cr.P.C. He further stated that since the petitioner did not appear before the trial Court, a Nonailable Warrant was issued against him and pursuant to which, he was arrested from his residence on 06.02.2023 and he is in custody for a month. He also stated



CrI.O.P.No.5341 of 2023

that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court 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. Learned Additional Public Prosecutor appearing for the respondent submitted that since the petitioner, who is an accused facing trial in S.C.No.41 of 2021, pending on the file of the learned XXII Additional Judge, Chennai, has failed to appear before the trial Court on 16.03.2022, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 06.02.2023. Therefore, he opposed to grant bail to the petitioner.

4. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and taking note of the fact that the petitioner, except on 16.03.2022, he has been regularly appearing before the court concerned and also considering the



CrI.O.P.No.5341 of 2023

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 should be the wife of the petitioner)**, each for a like sum to the satisfaction of the **learned XXII Additional Judge, 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 XXII Additional Judge, 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;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions,



WEB COPY



CrI.O.P.No.5341 of 2023

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

07.03.2023

ham

To

1. The XXII Additional Judge,
Chennai.
2. The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.5341 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.5341 of 2023

07.03.2023