



CrI.O.P.No.5897 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

CrI.O.P.No.5897 of 2023

Rajesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Latheri Police Station,
Vellore District.

(Crime No.12 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, pending trial in S.C.No.176 of 2019
on the file of the Principal Sessions Judge, Vellore.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 13.02.2023, pursuant to the non-bailable warrant issued on 13.12.2022, in S.C.No.176 of 2019 in connection with Crime No.12 of 2018, 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 S.C.No.176 of 2019, for the alleged offence under Sections 147, 148, 294(b), 323, 324, 427 and 506(i) of IPC @ 294(b), 323, 506(ii) of IPC r/w Section 3 of PPD Act, pending on the file of the learned Principal Sessions Judge, Vellore. He further submitted that the petitioner has all along been regularly appearing before the Court on all hearing dates, while so, due to severe jaundice, he was unable to appear before the trial Court on 13.12.2022, thereby, a Non Bailable Warrant was issued by the trial Court, against him and pursuant to which, he was arrested on 13.02.2023. He also submitted 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 Government Advocate (crl.side) appearing for the



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respondent submitted that since the petitioner has failed to appear before the trial Court in S.C.No.176 of 2019 on 13.12.2022, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 13.02.2023. He further submitted that the case now stands posted for examination of the Investigation Officer and if the petitioner is granted bail at this stage, there is every possibility of him, to abscond again and would derail the progress of trial. Therefore, he opposed to grant bail to the petitioner.

4. Heard the learned Counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and taking note of the fact that the petitioner, except on 13.12.2022, he has been regularly appearing before the court concerned and also considering 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 a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**



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with **two sureties**, each for a like sum to the satisfaction of the **learned**

Judicial Magistrate, Katpadi, 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 appear before the learned Principal Sessions Judge, Vellore on all working days at 10.30a.m., until further orders;**

[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, 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.

21.03.2023

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To

1. The Judicial Magistrate,
Katpadi.
2. The Principal Sessions Judge,
Vellore.
3. The Inspector of Police,
Latheri Police Station,
Vellore District.
4. The Jail,
Thorapadi, Vellore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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