



Crl.O.P.No.6954 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

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

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Emerald Raja Nesakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pallavaram Police Station,
Kanchipuram District.

(Crime No.839 of 2012).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in S.C.No.165 of 2014 in
connection with the Crime No.839 of 2012, pending on the file of the learned
Principal Sessions Judge, Kanchipuram District at Chengalpattu.

For Petitioner : Mr.C.Srinivasan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.12.2022, pursuant to the non-bailable warrant of arrest issued against him on 22.11.2022, in S.C.No.165 of 2014, pending on the file of the learned Principal Sessions Judge, Kanchipuram, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A1) facing trial in S.C.No.165 of 2014, for the alleged offence under Sections 380, 302 IPC @ 397, 302 of IPC, pending on the file of the learned Principal Sessions Judge, Kanchipuram District at Chengalpattu. He further submitted that the petitioner has all along been regularly appearing before the Court on all hearing dates, while so, since the petitioner is working as an Ambulance Driver in Miot Hospital on 24/7, he was unable to appear before the trial Court on 22.11.2022, due to his duty and thereby, the trial Court, has dismissed the petition filed by him under Section 317 Cr.P.C., and has also issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested on 14.12.2022.



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3. He further submitted that the petitioner is prepared to furnish sufficient sureties and ready to abide by any stringent conditions that may be imposed by this Court and he is also ready to file an Affidavit of Undertaking stating that he will co-operate for speedy disposal of the trial and also submitted that the petitioner would ensure that he will appear before the trial Court on all hearing dates without fail. Therefore, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused (A1) facing trial in S.C.No.165 of 2014, pending on the file of the learned Principal Sessions Judge, Kanchipuram District at Chengalpattu, has failed to appear before the trial Court on 22.11.2022, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 14.12.2022. He further submitted that there are 18 witnesses in this case and the case, now stands posted on 30.03.2023 for examination of LW3 & LW4, hence, he opposed for grant of bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and taking note of the undertaking given by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 Principal Sessions Judge, Kanchipuram District at Chengalpattu** 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;



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[b] the petitioner shall report before the learned trial Judge, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner, after coming out on bail, shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

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

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To
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1. The Principal Sessions Judge,
Kanchipuram District at Chengalpattu.
2. The Inspector of Police,
Pallavaram Police Station,
Kanchipuram District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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