



Crl.O.P.No.7452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.7452 of 2023

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... Petitioner

Vs.

The State represented by
The Inspector of Police,
West Police Station,
Villupuram.

(Crime No.728 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in P.R.C.No.21 of 2019 on the file of
Judicial Magistrate No.1, Villupuram in Crime No.728 of 2018 on the file of
respondent police.

For Petitioner : Mr.G.Jaisivaramaraj

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 20.01.2023, for the offences punishable under Sections 395 and 397 of IPC, 1960 in Crime No.728 of 2018 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner would submit that the petitioner is arrayed as A4 in P.R.C.No.21 of 2019 pending committal on the file of the Judicial Magistrate No.1, Villupuram. The learned counsel further submitted that the petitioner appeared before the Court regularly till 20.03.2020 and thereafter due to Covid Pandemic and his illness, he had not appeared before the Court on 02.11.2021, due to which NBW was issued against him. Subsequently, he was arrested and remanded to the judicial custody on 20.01.2023. Hence, he prayed to grant bail to the petitioner.

3. Learned Government Advocate (Crl.side) appearing for the respondent police would submit that petitioner is arrayed as A4 in P.R.C.No.21 of 2019 pending committal on the file of the Judicial Magistrate No.1, Villupuram. He was arrested and remanded to the judicial custody on



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20.01.2023 for not appearing before the Court for two years. Hence, he vehemently opposed to grant bail to the petitioner.

4. The learned counsel for the petitioner submitted that petitioner is in judicial custody from 20.01.2023 and the petitioner is ready to appear before the learned Judicial Magistrate No.1, Villupuram on all working days at 10.30 a.m., without fail till committal and would furnish adequate sureties, if he is released on bail. Hence, the learned counsel for the petitioner seeks bail for the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner from 20.01.2023, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with **two sureties (out of which one surety shall be blood relative)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Villupuram**, 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 Judicial Magistrate No.1, Villupuram on all working days at 10.30 a.m., until further orders and the petitioner is also directed to appear before the respondent police on first Monday of every English Calender month at 10.30 a.m., until further orders;**

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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



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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.

17.04.2023

gbi

To

- 1.The Judicial Magistrate No.1,
Villupuram.
- 2.The Inspector of Police,
West Police Station,
Villupuram.
- 3.The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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