



WEB COPY



Crl.O.P.No.7577 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

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

Crl.O.P.No.7577 of 2023

Barnabas

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J-8, Neelakarai Police Station,
Chennai.
(Crime No.1483 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.87 of 2019, pending trial
on the file of the Sessions Judge, Mahila Court, Kancheepuram District at
Chengalpattu.

For Petitioner : Mr.D.Padmanabhan

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



WEB COPY



CrI.O.P.No.7577 of 2023

ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody, pursuant to the non-bailable warrant of arrest issued against him in S.C.No.87 of 2019, pending on the file of the learned Sessions Judge, Mahila Court, Kancheepuram District at Chengalpattu, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.87 of 2019, for the alleged offence under Section 302 of IPC, pending on the file of the learned Sessions Judge, Mahila Court, Kancheepuram District at Chengalpattu. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates, while so, due to his illness, he was unable to appear before the trial Court on 17.09.2019, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested on 27.11.2019 from his residence.

3. He further submitted that the petitioner's friends are ready to stand as surety to the petitioner and the petitioner is prepared to furnish



Crl.O.P.No.7577 of 2023

adequate sureties and also prepared 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 has a permanent residence and he 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 facing trial in S.C.No.87 of 2019, pending on the file of the learned Sessions Judge, Mahila Court, Kancheepuram District at Chengalpattu, has failed to appear before the trial Court on 16.09.2019, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 27.11.2019. He further submitted that there are 19 witnesses in this case and 6 witnesses have been examined so far and also stated that the petitioner has a permanent address. He also submitted that now the case stands posted for examination of PW7 and PW8 on 19.04.2023. Hence, he opposed to grant bail to the petitioner.



Crl.O.P.No.7577 of 2023

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 the learned counsel on 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 Mahila District and Sessions Court, Chengalpattu District**, 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;



Crl.O.P.No.7577 of 2023

[b] the petitioner shall appear before the learned trial Court, on all working days, at 10.30 a.m., until further orders and the petitioner shall also report before the respondent Police, every Saturday at 07.00p.m., till disposal of the trial;

[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.

11.04.2023

ham



Crl.O.P.No.7577 of 2023

WEB COPY

To

1. The Mahila District and Sessions Court,
Chengalpattu District .
2. The Sessions Judge,
Mahila Court,
Kancheepuram District at Chengalpattu.
3. The Inspector of Police,
J-8, Neelakarai Police Station,
Chennai.
4. The Central Prison,
Puzhal - I, Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.7577 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.7577 of 2023

11.04.2023