



Crl.O.P.No.8097 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.8097 of 2023

V.Appu @ Kamal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D3, Ice House Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending trial in S.C.No.168 of 2019,
pending on the file of the learned II Additional Sessions Judge, Chennai.

For Petitioner : Mr.K.Murali

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



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Crl.O.P.No.8097 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.04.2022, pursuant to the non-bailable warrant of arrest issued against him on 02.11.2019, in S.C.No.168 of 2019, in connection with Crime No.89 of 2014, pending on the file of the II Additional Sessions Judge, Chennai, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is a sole accused facing trial in S.C.No.168 of 2019, for the alleged offence under Sections 341, 294(b), 336, 427, 307 & 506(ii) of IPC, pending on the file of the IInd Additional Sessions Judge, Chennai. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates, while so, due to the covid pandemic, he was unable to appear before the trial Court on 02.11.2019, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested on 05.04.2022 and he is in custody for more than a year. He further submitted that since the petitioner being in custody from more than a year, he is unable to defend his case properly, therefore, he prays for grant of bail to the petitioner.



Crl.O.P.No.8097 of 2023

WEB COPY

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is a sole accused facing trial in S.C.No.168 of 2019, pending on the file of the IInd Additional Sessions Judge, Chennai, has failed to appear before the trial Court on 02.11.2019, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 05.04.2022. He further submitted that 8 previous cases including seven cases registered under Section 379 of IPC are pending as against the petitioner. He also submitted that as far as this case is concerned, witnesses 1 to 4 were examined and the case, now stands posted on 25.04.2023 for examination of LW5, therefore, if bail is granted to the petitioner, 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. In reply, the learned counsel for the petitioner submitted that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court and also ready to furnish sufficient sureties. He also submitted that the petitioner is also ready to file an Affidavit of Undertaking



Crl.O.P.No.8097 of 2023

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. Hence he prayed for grant of bail to the petitioner.

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** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned 2nd Additional District & Sessions Judge,**



Crl.O.P.No.8097 of 2023

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 appear before the learned trial Judge, on all working days at 10.30 a.m., and he shall also report before the respondent Police on every Saturday at 6.30 p.m., until further orders;

[c] the petitioner 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]*;



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CrI.O.P.No.8097 of 2023

[g] If the accused thereafter abscond, a fresh
FIR can be registered under Section 229A IPC.

13.04.2023

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To

1. The II Additional District and Sessions Judge,
Chennai.
2. The Inspector of Police,
D3, Ice House Police Station,
Chennai.
3. The Puzhal Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.8097 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.8097 of 2023

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