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Crl.O.P.No.8280 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

Crl.O.P.No.8280 of 2023

V.Rajesh

... Petitioner

Vs.

State Rep. by
Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai – 78.
(Crime No.635 of 2012)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No.635 of 2012
on the file of the respondent.

For Petitioner : Mr.J.William Shakesphere

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 01.02.2023 for the offence punishable under **Section 399 IPC** in Crime No.635 of 2012 on the file of the respondent police, in P.R.C.No.39 of 2015 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 01.02.2023 pursuant to the Non Bailable Warrant issued against him on 27.01.2023.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A2 in P.R.C.No.39 of 2015, pending committal on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai and due to his illness, the petitioner was unable to appear before the Court on 27.01.2023 due to which, Non Bailable Warrant of arrest was issued against the petitioner and subsequently, the petitioner was arrested on execution of Non Bailable Warrant on 30.01.2023 from his house and that the petitioner was not absconding. He would submit that the petitioner undertakes to appear before the Court regularly and to co-operate for the trial. Hence, he prayed for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that as on date, all the accused have appeared and the copies have also been served on them and that the case stands posted for committal today (19.06.2023).

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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.15,000/- (Rupees Fifteen Thousand Only)** with **two sureties out of which, one surety shall be the wife of the petitioner**, each for a like sum to the satisfaction of the **learned XXIII Metropolitan Magistrate, Saidapet**, and on further conditions that:



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[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 report before the respondent police everyday at 06.30 p.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 petitioners 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.

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To

1. The XXIII Metropolitan Magistrate, Saidapet.

2. The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai – 78.

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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