



Crl.O.P.No.8269 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

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

Crl.O.P.No.8269 of 2023

Sakthivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G5, Secretariat Colony Police Station,
Chennai.

Crime No.21 of 2019

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.179 of 2020 on the file of
learned XX Additional Sessions Judge, Chennai, in connection with Crime
No.21 of 2019 on the file of the respondent.

For Petitioner : Mr.V.Dinesh Kumar

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 16.03.2023, pursuant to the non-bailable warrant issued against him on 10.02.2023, for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324, 336, 307, 506(ii) of IPC, in S.C.No. 179 of 2020, pending on the file of learned XX Additional Sessions Judge, Chennai, in connection with Crime No.21 of 2019, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.179 of 2020 pending on the file of the learned XX Additional Sessions Judge, Chennai. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates and due to his illness, he was unable to appear before the trial Court on 10.02.2023, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested on 16.03.2023 and remanded to judicial custody. He also submitted that the even in the deposition of the witnesses PW1 & PW2, they have not spoken about the petitioner.



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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. He also submitted that the petitioner 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 prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is an accused facing trial S.C.No.179 of 2020 pending on the file of the learned XX Additional Sessions Judge, Chennai, has failed to appear before the trial Court on 10.02.2023, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and pursuant to which, he was arrested on 16.03.2023. He also submitted that 18 previous cases are pending against the petitioner. He further submitted that now the case stands posted on 21.04.2023 for examination of I.O, therefore, if bail is granted to the petitioner, there is every possibility of him to abscond once again and would derail the progress of trial. Therefore, 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) and perused the 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, 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 XX Additional Sessions Judge, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the learned XX Additional Sessions Judge, Chennai, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall also report before the respondent Police on every Saturday at 7.00 p.m., until further orders;

[d] 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;

[e] the petitioner shall not abscond during trial;

[f] the petitioner shall not tamper with evidence or witness during trial;

[g] 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]*;

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

20.04.2023

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To

1. The XX Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
G5, Secretariat Colony Police Station,
Chennai.
3. The Central Prison,
Puzhal - II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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