



Crl.O.P.No.8070 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

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

Crl.O.P.No.8070 of 2023

Murugan @ Vadamurugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.

Crime No.1684 of 2017

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial in S.C.No.41 of 2021
on the file of learned XXII Additional Sessions Judge, Allikulam, Chennai.

For Petitioner : Mr.A.Vinoth Kumar

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



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ORDER

The petitioner, who was remanded to judicial custody on 06.02.2023, pursuant to the non-bailable warrant issued against him on 22.04.2022, in S.C.No.41 of 2021, pending on the file of learned XXII Additional Sessions Judge, Allikulam Chennai, in connection with Crime No.1684 of 2017, registered for the alleged offence under Sections 341, 294(b), 326, 307, 506(ii) of IPC r/w 34 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A1) facing trial in S.C.No.41 of 2021 pending on the file of the XXII Additional Sessions Court, Allikulam, Chennai. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates and since, he had wrongly noted the hearing date, he was unable to appear before the trial Court on 22.04.2022, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to the same, he was arrested on 06.02.2023. 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



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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.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is an accused (A1) facing trial S.C.No.41 of 2021 pending on the file of the learned XXII Additional Sessions Court, Allikulam, Chennai, has failed to appear before the trial Court on 22.04.2022, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was arrested on 06.02.2023. He also submitted that now the case stands posted on 14.06.2023 and as far as this petitioner is concerned, no previous case is pending against him. However, he opposed for grant of bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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5. 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.

6. 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 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 XXII Additional Sessions Judge, Allikulam, 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 report before the **learned XXII Additional Sessions Judge, Allikulam Chennai, on all working days at 10.30 a.m., till framing of charges and thereafter, on the dates fixed by the learned trial Judge;**



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[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.

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To

1. The XXII Additional Sessions Judge,
Allikulam, Chennai.
2. The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.
3. The Central Prison-II,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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