



Crl.O.P.No.8369 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8369 of 2023

Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-3, Aminjikai Police Station,
Chennai.

(Crime No.595 of 2015).

... 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.161 of 2023,
pending on the file of the Vth Additional Court, Chennai connected with
Crime No.595 of 2015 on the file of the respondent Police.

For Petitioner : Mr.B.M.Santharam

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 30.01.2023, pursuant to the non-bailable warrant of arrest issued against him on 08.01.2021, in S.C.No.161 of 2023, pending on the file of the Vth Additional Court, Chennai, in connection with Crime No.595 of 2015, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A1) facing trial in S.C.No.161 of 2023, for the alleged offence under Section 307 of IPC, pending on the file of the Vth Additional Court, Chennai. He further submitted that the petitioner has all along been regularly appearing before the Court on all hearing dates, while so, since he was affected with jaundice, he was unable to appear before the trial Court on 08.01.2021, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested from his residence on 30.01.2023. He further submitted that the petitioner is ready to furnish sufficient sureties, therefore, he prays for grant of bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused (A1) facing trial in S.C.No.161 of 2023, pending on the file of the Vth Additional Court, Chennai, has failed to appear before the trial Court on 08.01.2021, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 30.01.2023. He further submitted that if bail is granted to the petitioner, there is every possibility of him, to abscond again and would derail the progress of trial. He also submitted that now the case stands posted for engaging counsel on 04.05.2023. 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 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 engaged a counsel and also would ensure that he will appear before the trial Court on all hearing dates without fail. Hence he prayed 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) 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.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 Vth Additional Court, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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 Vth Additional Court, Chennai, on all working days, till framing of charges and thereafter, on the dates fixed by the learned trial Judge;

[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.

24.04.2023

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To

1. The Vth Additional Court, Chennai.
2. The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.
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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