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Crl.O.P.No.8885 of 2023

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.8885 of 2023

Murali

... Petitioner

Vs.

State rep. by
The Inspector of Police,
K7 – ICF Police Station,
Chennai.
(Crime No.448 of 2016)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.448 of 2016 pending
investigation on the file of the respondent police.

For Petitioner : Mr.Vijay R. Shukla
For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.02.2023, for the offences punishable under Sections 448 and 397 IPC
in Crime No.448 of 2016 on the file of the respondent police, in S.C.No.28
of 2017, on the file of the VI Additional District and Sessions Court,
Chennai, seeks bail.



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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 21.07.2022.

3. The learned Counsel for the petitioner would submit that the petitioner was earlier granted bail and thereafter, the petitioner was regularly appearing before the trial Court. Since the petitioner's wife was pregnant, the petitioner could not appear before the trial Court on 21.07.2022 and thereby, the learned Magistrate has issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 01.02.2023 on execution of non bailable warrant. He further submitted that the trial has commenced and as of now, P.W.2 has been examined and only after coming out on bail, the petitioner could engage a counsel to defend his case. He further submitted that the petitioner is ready to appear before the trial Court regularly and to co-operate for the speedy disposal of the trial. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police raised objection stating that the petitioner did not appear



before the trial Court on 21.07.2022 and thereby, non bailable warrant was issued against the petitioner and the petitioner was arrested after 5 months on execution of non bailable warrant. He further submitted that now the trial has commenced and P.W.2 has been examined.

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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and 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 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 a blood relative**, each for a like sum to the satisfaction of the **learned VI Additional District Sessions Judge, Chennai**, 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 trial Court at 10.30 a.m. on all working days for a period of two weeks and thereafter, on the dates fixed by the trial Court. The petitioner shall also report before the respondent police on every Saturday at 10.30 a.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 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]*;

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

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To

1. The VI Additional District Sessions Judge,
Chennai.
2. The Inspector of Police,
K7 – ICF Police Station,
Chennai.
3. The Superintendent,
Puzhal, Central Prison, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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