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Crl.O.P.No.8887 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.8887 of 2023

Saravanan

... Petitioner

Vs.

State rep. by

The Inspector of Police,
K3, Aminjikarai Police Station,
Chennai – 600 106.
(Crime No.1162 of 2017)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.1162 of 2017 pending
investigation on the file of the respondent police.

For Petitioner : Mr.N.Selvarajan

For Respondent : Mr. C. E.Pratap

Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.02.2023 for the offences punishable under Sections 341, 324, 506(ii)
IPC in Crime No.1162 of 2017 on the file of the respondent police, in
C.C.No.1718 of 2021 on the file of the V Metropolitan Magistrate Court,
Egmore, 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 10.02.2023 pursuant to the non bailable warrant issued against him on 12.05.2022.

3. The learned Counsel for the petitioner would submit that the petitioner was regularly appearing before the trial Court. On 12.05.2022 due to illness, the petitioner could not appear before the trial Court 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 10.02.2023 on execution of non bailable warrant. 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 12.05.2022 and thereby, non bailable warrant was issued against the petitioner and the petitioner was arrested on 10.02.2023 i.e. after 8 months on execution of non bailable warrant.



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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. 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.10,000/- (Rupees Ten Thousand Only)** with **two sureties**, each for a like sum to the satisfaction of the **learned V Metropolitan Magistrate, Egmore, 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;



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[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.

24.04.2023

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K3, Aminjikarai Police Station,
Chennai – 600 106.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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