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Crl.O.P.No.9027 of 2023

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.9027 of 2023

E.Godwin

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai.

Crime No.649 of 2019

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending before the C.C.No.5173 of
2020 on the file of learned V Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.R.Sami

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



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ORDER

The petitioner, who was remanded to judicial custody through PT warrant on 07.01.2023, pursuant to the non-bailable warrant issued against him on 20.05.2022, in C.C.No.5173 of 2020, pending on the file of learned V Metropolitan Magistrate, Egmore Chennai, in connection with Crime No.649 of 2019, registered for the alleged offence under Section 420 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.5173 of 2020 pending on the file of the V Metropolitan Magistrate, Egmore, Chennai. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates and since the petitioner met with an accident and he had undergone surgery on his right leg knee, he was unable to appear before the trial Court on 20.05.2022, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him, whereas on 22.11.2022, he was arrested in connection with C.C.No.6796 of 2016 pending on the file of the learned Metropolitan Magistrate for Exclusive trial of CCB cases, Egmore, thereby, he was remanded to judicial custody in the present case through PT warrant



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on 07.01.2023. 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 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 facing trial C.C.No.5173 of 2020 pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, has failed to appear before the trial Court on 20.05.2022, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was remanded to judicial custody through PT warrant on 07.01.2023. He also submitted that there are four witnesses in this case and the case now stands posted on 26.04.2023 for appearance of the accused and as far as this petitioner is concerned, two previous cases of similar nature are pending against him. However, he opposed for grant of bail to the petitioner.



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

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 V Metropolitan Magistrate Court, 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 appear before the learned V Metropolitan Magistrate, Egmore, Chennai, on all hearing dates, without fail and he shall also report before the respondent Police on the first Saturday of every month at 7.00 p.m., until further orders;

[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.

26.04.2023

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai.
3. The 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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