



Crl.O.P.No.9318 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.No.9318 of 2023

Rajkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E2 Royapettah Police Station,
Chennai.

(Crime No.413 of 2016)

... 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.191 of 2017
on the file of learned XVI Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.E.Mohan Raj

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



Crl.O.P.No.9318 of 2023

WEB COPY

ORDER

The petitioner, who was remanded to judicial custody through PT warrant on 21.02.2023, pursuant to the non-bailable warrant issued against him, in S.C.No.191 of 2017, pending on the file of learned XVI Additional Judge, City Civil Court, Chennai, in connection with Crime No.413 of 2016, registered for the alleged offence punishable under Sections 147, 148, 341, 324, 326, 336, 307, 506(ii) of IPC and Section 3(1) of TNPPDL Act, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A6) facing trial in S.C.No.191 of 2017 pending on the file of the XVI Additional Judge, City Civil Court, Chennai. He further submitted that this is the second bail application of the petitioner and this Court, had dismissed the earlier bail application in Crl.O.P.No.7233 of 2023 dated 31.03.2023 stating that some of the co-accused are still absconding. He also submitted that all the absconded accused had voluntarily surrendered on 13.04.2023 and they have also recalled the warrant pending against them and the case now stands posted for fixing trial on 20.06.2023, therefore, if only



Crl.O.P.No.9318 of 2023

the petitioner is released on bail, he will be able to engage an Advocate to defend his side. 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 (A6) facing trial in S.C.No.191 of 2017 pending on the file of the learned XVI Additional Judge, City Civil Court, Chennai, has failed to appear before the trial Court for the second time, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was remanded to judicial custody on 21.02.2023 through PT warrant. He further submitted that the case now stands posted on 20.06.2023 for fixing trial, therefore, if the petitioner is granted bail at this stage, there is every possibility of him to abscond again and would derail the progress of trial. Hence, he opposed for grant of bail to the petitioner.

4. At this juncture, the learned counsel for the petitioner 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



Crl.O.P.No.9318 of 2023

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.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the 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, 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.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which one surety should be a blood related surety), each for a like sum to the satisfaction of the **learned XVI Additional Judge,**



Crl.O.P.No.9318 of 2023

City Civil Court, 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 XVI Additional Judge, City Civil Court, Chennai, on all working days at 10.30 a.m. till 20.06.2023 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]*;



CrI.O.P.No.9318 of 2023

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

27.04.2023

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To

1. The XVI Additional Judge,
City Civil Court,
Chennai.
2. The Inspector of Police,
E2 Royapettah Police Station,
Chennai.
3. The Central Prison,
Puzhal - II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.9318 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.9318 of 2023

27.04.2023