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CrI.O.P.No.9341 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

CrI.O.P.No.9341 of 2023

V.Ajay

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Arcot Town Police Station,
Ranipet District.

Crime No.6 of 2021

... 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.149 of 2022
on the file of learned II Additional Sessions Judge, Vellore @ Ranipet.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

The petitioner, who was remanded to judicial custody on 23.02.2023, pursuant to the non-bailable warrant issued against him on 07.12.2022, in S.C.No.149 of 2022, pending on the file of learned II Additional Sessions Judge, Vellore @ Ranipet, in connection with Crime No.6 of 2021, registered for the alleged offence under Section 302 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.149 of 2022 pending on the file of the II Additional Sessions Court, Vellore @ Ranipet. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates and since, he is working in a private company in Bangalore, there was some miscommunication with his Advocate, thereby, he was unable to appear before the trial Court on 07.12.2022, due to which, the trial Court had issued a Non-Bailable Warrant of arrest against him and thereafter, while he was taking steps to recall the warrant, he was arrested by the respondent on 23.02.2023 at his office. He further submitted that the petitioner is prepared to furnish sufficient sureties and ready to abide by any stringent



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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 (CrI.Side) appearing for the respondent submitted that the petitioner, who is an accused facing trial in S.C.No.149 of 2022 pending on the file of the learned II Additional Sessions Court, Vellore @ Ranipet, has failed to appear before the trial Court on 07.12.2022, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was arrested on 23.02.2023. Hence, he opposed for grant of bail to the petitioner.

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



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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.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 II Additional Sessions Judge, Vellore @ Ranipet**, 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 II Additional Sessions Judge, Vellore @ Ranipet**, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the **learned trial Judge**;



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[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.

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To

1. The II Additional Sessions Judge,
Vellore @ Ranipet.
2. The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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