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Crl.O.P.No.9520 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9520 of 2023

Kadhar Moideen

... Petitioner

Vs.

The State rep. by
The Inspector of Police
J-3, Guindy Police Station
Chennai

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending trial in S.C.No.84 of 2023
(on the file of XVII Additional Sessions Judge, Chennai) connected with J-3
Guindy P.S. Crime No.568 of 2018 on the file of the respondent.

For Petitioner : Mr.P.Prakash

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 22.12.2022, for the offences punishable under Sections 147, 294(b), 324, 302 read with 149 IPC in Crime No.568 of 2018 on the file of the respondent police, in S.C.No.84 of 2023 on the file of XVII Additional Sessions Judge, Chennai, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 22.12.2022 pursuant to the non bailable warrant issued against him on 24.08.2022, through P.T. Warrant.

3. Mr.P.Prakash, learned Counsel for the petitioner would submit that the petitioner is arrayed as A6 and facing trial in S.C.No.84 of 2023 on the file of XVII Additional Sessions Judge, Chennai, and he was regularly appearing before the trial Court. Subsequently, he was arrested in another case in Crime No.653 of 2018 registered by the respondent police and thereby, he was unable to appear before the Court and later, he was arrested in this case through P.T. Warrant on 22.12.2022. He would further submit that the petitioner was all along appearing before the trial Court and only for one hearing, he did not appear for the above said reasons and that the



petitioner is ready to appear before the trial Court regularly and to co-operate for the speedy disposal of the trial. He also submitted that the petitioner's father died very recently on 14.04.2023. 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 24.08.2022 and thereby, Nonailable Warrant was issued against the petitioner. Later, it was found that the petitioner had been arrested in another case registered by the respondent police and thereafter, he was arrested in this case on 22.12.2022 in this case through PT Warrant. He would further submit that now the case stands posted to 27.06.2023 for framing of charges.

5. In reply, the learned counsel for the petitioner submitted that the petitioner is ready to appear before the trial Court on all working days till framing of charges and thereafter, on the dates fixed by the trial Court and he prayed for grant of bail to the petitioner.



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

7. 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.

8. 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 out of which, one surety shall be a blood relative**, each for a like sum to the satisfaction of the **learned IX Metropolitan Magistrate, Saidapet, 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 trial Court at 10.30 a.m. on all working days till framing of charge and thereafter, on the dates fixed by the trial Court.



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CrI.O.P.No.9520 of 2023

[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.

28.4.2023

ksa-2

To

1. XVII Additional Sessions Judge, Chennai
2. The IX Metropolitan Magistrate, Saidapet, Chennai
3. The Inspector of Police
J-3, Guindy Police Station
Chennai
4. The Superintendent,
Central Prison, Puzhal
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.9520 of 2023

A.D.JAGADISH CHANDIRA,J.,

ksa-2

Crl.O.P.No.9520 of 2023

28.04.2023