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CrI.OP.No.9651 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.9651 of 2023

Imran

... Petitioner/ Accused

Vs.

State Rep by
Inspector of Police,
Olakkur Police Station,
Villupuram District.
(P.R.C.No.15/2019)
(Crime No.381/2017)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner/accused on bail in P.R.C.No.15 of 2019 on the file of the Judicial Magistrate No.1, Tindivanam, Villupuram District.

For Petitioner : Mr.N.Naresh

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 14.03.2023 on execution of Non-Bailable Warrant issued by the learned Judicial Magistrate No.I, Tindivanam, Villupuram District for the offence under Section 395 of IPC in P.R.C.No.15 of 2019 seeks bail.

2. It is the case of the prosecution that initially, the petitioner was arrested and remanded to judicial custody. Subsequently, the petitioner was enlarged on bail and thereafter, he did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant on 24.09.2020 against the petitioner. Thereafter, he was arrested and remanded to the judicial custody on 14.03.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner was affected with CORONA, due to which, the petitioner was not able to appear before the lower Court. He would further submit that the non-appearance before the lower Court by the



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petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to non-appearance of the petitioner before the lower Court, the trial judge has issued Non-Bailable Warrant against the petitioner and the petitioner was secured only on 14.03.2023, after two years and if the bail is granted to the petitioner, it is very difficult to secure him. Hence, he vehemently objected for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 14.03.2023, this Court is inclined to grant bail to the petitioner.

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 blood related sureties, each for a like sum to the



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satisfaction of the learned Judicial Magistrate No.I, Tindivanam, Villupuram District 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 trial Court viz., learned **Judicial Magistrate No.I, Tindivanam, Villupuram District** daily at 10.30 a.m and 4.30 p.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1.The Judicial Magistrate No.1, Tindivanam, Villupuram District.

2.The Inspector of Police,
Olakkur Police Station,
Villupuram District.

3.The Superintendent, Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras,
Chennai



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G.K.ILANTHIRAIYAN, J.

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