



WEB COPY



CrI.OP.No.9668 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

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

CrI.O.P.No.9668 of 2023

Ashok

..Petitioner

Vs.

The State Represented by
The Inspector of Police,
F-2, Egmore Police Station,
Chennai.

(Crime No.58 of 2010)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. enlarging the petitioner / accused on bail in S.C.No.381 of 2021 in Crime No.58 of 2010 pending before the XVI Additional Sessions Court at Chennai.

For Petitioner : Mr.Calvin Jones

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.02.2023 for the offence punishable under Sections 336,



CrI.OP.No.9668 of 2023

397, 427 and 506(ii) of IPC, in Crime No.58 of 2010 on the file of the respondent police, in connection with S.C.No.381 of 2021, on the file of the XVI Additional Sessions Court at Chennai, seeks bail.

2. The case of the prosecution is that the petitioner was already granted bail and after completion of investigation in Crime No.58 of 2010, the respondent Police filed a final report. It has been taken cognizance in S.C.No.381 of 2021, on the file of the XVI Additional Sessions Court at Chennai. However, the petitioner was absent before the Trial Court on 28.03.2022, due to his illness. Therefore, the trial Court issued Non-Bailable Warrant against the petitioner. Thereafter, the Non Bailable Warrant was executed and the petitioner was arrested and remanded to judicial Custody, on 20.02.2023. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.



CrI.OP.No.9668 of 2023

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent police vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 20.02.2023, 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 sureties**, each for a like sum to the satisfaction of the XVI Additional Sessions 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 XVI Additional Sessions Court, Chennai, daily at 10.30 a.m., and 05.00 p.m, until further orders.

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



CrI.OP.No.9668 of 2023

WEB COPY

[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.

05.05.2023

mn



WEB COPY



CrI.OP.No.9668 of 2023

To

- 1.The XVI Additional Sessions Court at Chennai.
- 2.The Inspector of Police,
F-2, Egmore Police Station,
Chennai.
3. The Central Prison,
Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.9668 of 2023

G.K.ILANTHIRAIYAN, J.

mn

Crl.O.P.No.9668 of 2023

05.05.2023