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Crl.O.P.No.14285 of 2023

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Reserved On	12.09.2023
Pronounced On	.09.2023

RMT.TEEKAA RAMAN, J.

The petitioner/A4, who apprehend arrest in connection with PRC No.65 of 2019 issued by the V Metropolitan Magistrate, Egmore, Chennai for the alleged offences under Sections **147, 148, 341, 353, 332, 506 (ii) of IPC in Crime No.1460 of 2008** on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner.

3. Counter has been filed by the Inspector of Police, K-11, CMBT Police Station, Chennai.

4(i) There are 15 accused in this case. During trial, A.2/Ravikumar @ Ambethvanan, A.5/Selvaraj @ Elaikadai Selvaraj, A.6/Samsanraj @ Kalaiventhan, A.8/Thangadurai, A.9/Maruthamuthu (died) had regularly attended the court, so the learned trial court had split up the case for regularly attended person



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vide PRC No.138/2018 and another case is split up for absconding accused vide S.C.No.40 of 2019 on the file of the VII Metropolitan Magistrate Court, Egmore, Chennai.

4(ii) The case is again split up to A.3/Mani, A.11/Vanniyarasu, A.13/Elayaraja, A.4/Vidhthalai vide S.C.o.158 of 2019 on the file VII Metropolitan Magistrate Court, Egmore.

4(iii) The case is split up for A.1/Selvaraj @ Micharkadai Selvaraj, A.7/Gunasekaran and the same is taken on file vide PRC No.03/2019 on the file of the learned V Metropolitan Magistrate Court, Egmore and the same is committed before VII Metropolitan Magistrate Court, Egmore vide S.C.No.160 of 2019.

4(iv) The accused person A.4/Arul @ Tamil oli, A.10/Murugan, A.12/BAGalavan, A.15/Sankar @ Senkathir did not attended the court hearing regularly. Hence, the trial court split up the case for them vide PRC No.65 of 2019 and subsequently NBW is pending against them from 22.03.2019.



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5. The learned counsel for the petitioner submitted that in connected case, he has obtained anticipatory bail in CrI.OP No.13817 of 2023 for similar offences and the reason assigned by him as stated therein is the same in this petition also, wherein this Court has granted anticipatory bail.

6. From the factual narration, I find that single PRC has been split up into three PRC and two Sessions cases. As this petitioner is absent for proceedings for committal, the case against him and other accused was split up and NBW was issued on 22.03.2019. Since it is a long pending case and in order of facilitate the committal proceedings and to complete the Sessions Case, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned V Metropolitan Magistrate, Egmore at**



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Chennai, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is required to appear before the concerned Magistrate Court at 10.30 a.m. and also file petition for recalling the NBW. On such application, the learned Metropolitan Magistrate, Egmore is hereby required to pass order taking into consideration the facts available on record and antecedents of the petitioner, if any, on merits and shall not carry away by the direction of this Court to dispose of the application on the same day.

[b] The petitioner and 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



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ensure their identity.

[b] the petitioner is directed to surrender before the said Magistrate Court on or before 29.09.2023 failing which this petition shall stand automatically dismissed.

[c] the petitioner is directed to deposit a sum of Rs.2,000/- towards cost to the Tamilnadu Legal Services Authority, Chennai. On such payment, the petitioner while surrendering before the concerned Magistrate Court has to produce the receipt for such payment of Rs.2,000/- to the Tamil Nadu Legal Services Authority, Chennai. Thereafter, the learned Magistrate is required to dispose of the recall petition purely on merits as observed earlier.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with



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law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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