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Crl.OP.No.11706 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **18.05.2023**

CORAM

THE HONOURABLE Mr.JUSTICE **A.A.NAKKIRAN**

Crl.OP.No.11706 of 2023

Vijay

S/o.Annamalai

... Petitioner

Vs.

State rep. By

The Inspector of Police,
Mangadu Police Station,
Chennai.

(Crime No.1273 of 2020)

... Respondent

Prayer:- Criminal Original Petition has been filed under Section 439 of Cr.P.C to enlarge the petitioner/accused herein on bail in S.C.No.28 of 2021 on the file of the learned District and Sessions Judge, District and Sessions Court No.II, Kanchipuram in Crime No.1273 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.P.Pavanan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.02.2023, in S.C.No.28 of 2021 pending committal on the file of the learned District and Sessions Judge, District and Sessions Court No.II, Kanchipuram, for the offences punishable under Sections 302, 120B and 342 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A9) and he is facing trial in S.C.No.28 of 2021 pending committal on the file of the learned District and Sessions Judge, District and Sessions Court No.II, Kanchipuram. He further submitted that the petitioner, due to Covid-19 Pandemic situation, was unable to appear before the trial Court on 04.02.2023, thereby, the trial Court has issued a Nonailable Warrant of arrest against him and pursuant to which, he was arrested on 04.02.2023. He also submitted that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court and also he is ready to co-operate for speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.



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3. Learned Additional Public Prosecutor appearing for the respondent submitted that since the petitioner, who is an accused and facing trial in S.C.No.28 of 2021 pending committal on the file of the learned District and Sessions Judge, District and Sessions Court No.II, Kanchipuram, has failed to appear before the trial Court on 04.02.2023, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 04.02.2023. He further submitted that if bail is granted to the petitioner, there is every possibility of him to abscond again and would derail the progress of trial. Therefore, he opposed to grant bail to the petitioner.

4. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioner from 04.02.2023, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned



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learned District and Sessions Judge, District and Sessions Court No.II,

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[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 has to appear for every hearing before the concerned Court, without fail;

[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 District and Sessions Judge,
District and Sessions Court No.II,
Kanchipuram.
- 2.The Inspector of Police,
Mangadu Police Station,
Chennai.
- 3.The Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor
High Court, Madras.



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A.A.NAKKIRAN, J.

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