



CrI.OP.No.12147 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.12147 of 2023

Balan @ Balamurugan

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Pallavaram Police Station,
Chennai District.
(Crime No.171 of 2009)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with S.C.No.276 of 2009 on the file of the learned Additional District and Sessions Judge, Chengalpattu.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 18.07.2022 for the offences punishable under Sections 341, 323, 302 I.P.C r/w 34 I.P.C in Crime.No.171 of 2009 on the file of the respondent Police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner was arrested in this case on the basis of NBW issued on 29.07.2016 and arrest was made on 18.07.2022. Since then, he is in judicial custody. Petitioner would be regular hereafter, in attending the Court. Hence, he seeks bail.

3.The learned Additional Public Prosecutor submitted that one or the other accused in this case always remain absent and that there is no progress made in the trial. Thus, he oppose this petition.

4.Considered the rival submissions and perused the records.

5.Considering the fact that petitioner is in judicial custody from 18.07.2022 and the submission of learned counsel for the petitioner that petitioner would be regular hereafter in attending the Court, this Court is



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inclined to grant bail to the petitioner with conditions.

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 **learned Judicial Magistrate, Pallavaram, 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 before the learned Additional District and Sessions Judge, Chengalpattu, on Monday, Wednesday and Friday at 10.00.a.m., until further orders and on the date of hearings without fail.

[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



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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, Pallavaram, Chennai.
- 2.The Additional District and Sessions Court,
Chengalpattu.
- 3.The Inspector of Police,
Pallavaram Police Station,
Chennai District.
- 4.Central Prison, Puzhal, Chennai
- 5.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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