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Crl.O.P.No.13516 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.13516 of 2023

Sakthivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-7, ICF Police Station,
Chennai.
(Crime No.141 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.141 of 2021 on the file
of the respondent Police.

For Petitioner : Mr.G.Sonai Bothi Rajan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody, pursuant to the non-bailable warrant of arrest issued against him in S.C.No.272 of 2022, pending on the file of the learned V Additional Sessions Judge, Chennai, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.272 of 2022, for the alleged offence under Section 302 r/w 34 of IPC, pending on the file of the learned V Additional Sessions Judge, Chennai. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates, while so, due to his illness, he was unable to appear before the trial Court on 27.02.2023, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested on 20.03.2023 from his residence.

3. He further submitted that the petitioner's relative are ready to stand as surety to the petitioner and the petitioner is prepared to furnish adequate sureties and also prepared to abide by any stringent conditions that



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may be imposed by this Court. He also submitted that the petitioner would ensure that he will appear before the trial Court on all hearing dates without fail. Therefore, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused facing trial in S.C.No.272 of 2022, pending on the file of the learned V Additional Sessions Judge, Chennai, has failed to appear before the trial Court on 27.02.2023, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 20.03.2023. He further submitted that in an earlier occasion, a Non-Bailable Warrant was issued against the petitioner on 15.09.2022 and the same was recalled on 14.12.2022. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties, out of which, one should be a blood related surety of the petitioner**, each for a like sum to the satisfaction of the **learned Principal Special Judge for EC & NDPS Act cases, 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 appear before the **learned V Additional Sessions Judge, City Civil Court, Chennai, on all working days till framing of charges and thereafter, on the date fixed by the learned Sessions Judge;**



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[c] the petitioner shall not abscond during trial;

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

19.06.2023

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To

- 1.The V Additional Sessions Judge,
City Civil Court, Chennai.
2. The Inspector of Police,
K-7, ICF Police Station,
Chennai.
3. The Central Prison-II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

vkr

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