



Crl.O.P.No.13856 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

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

Crl.O.P.No.13856 of 2023

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... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
B-2, Esplanade Police Station,
Chennai.

(Crime No.141 of 2016).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.266 of 2018 pending on
the file of the XXII Additional Sessions Court, Allikulam, Chennai, in Crime
No.141 of 2016, on the file of the respondent Police.

For Petitioner : Mr.A.Thirumaran

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 on 02.05.2023, pursuant to the non-bailable warrant of arrest issued against him on 15.02.2023, in S.C.No.266 of 2018 pending on the file of the XXII Additional Sessions Court, Allikulam, Chennai, in connection with Crime No.141 of 2016, for the offence punishable under Sections 341, 324, 307, 506(ii) r/w. 149 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A4) facing trial in S.C.No.266 of 2018, pending on the file of the XXII Additional Sessions Court, Allikulam, Chennai. He further submitted that the petitioner has been regularly appearing before the Court on all hearing dates and since, the petitioner is a Fisherman, he went into the sea for fishing, therefore, he was unable to appear before the trial Court on 15.02.2023 and also, he was unable to inform his counsel to file an application under Section 317 Cr.P.C., thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested from his residence on 02.05.2023. He further submitted that the petitioner is ready to furnish sufficient sureties and he is also ready to abide



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by any stringent conditions that may be imposed by this Court, therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused (A4) facing trial in S.C.No.266 of 2018, pending on the file of the XXII Additional Sessions Court, Allikulam, Chennai, has failed to appear before the trial Court on 15.02.2023, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 02.05.2023. He further submitted that there are six accused and 20 witnesses in this case and he also submitted that none of the witnesses have been examined so far and the case now stands posted for appearance of the accused. He further submitted that two previous cases are pending against this petitioner. Therefore, he opposed for grant of bail to the petitioner.

4. In reply, the learned counsel for the petitioner is also ready to file an Affidavit of Undertaking stating that he will co-operate for the speedy disposal of the trial and also submitted that the petitioner undertakes that he will appear before the trial Court on all hearing dates, without fail. Hence, he



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prayed for grant of 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the undertaking given by the petitioner 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 his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one surety should be the blood related surety), each for a like sum to the satisfaction of the **learned XXII Additional Sessions Court, Allikulam, Chennai**, and on further conditions that:



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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 shall appear before the learned XXII Additional Sessions Judge, Allikulam, Chennai, on all working days at 10.30 a.m., till framing of charges and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner 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]*;



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A.D.JAGADISH CHANDIRA.,J.

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[g] If the accused thereafter abscond, a fresh
FIR can be registered under Section 229A IPC.

21.06.2023

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To

1. The XXII Additional Sessions Court,
Allikulam, Chennai.
2. The Sub-Inspector of Police,
B-2, Esplanade Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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