



Crl.O.P.No.14065 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.14065 of 2023

Sugumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-1, Washermanpet Police Station,
Chennai City.

Crime No.140 of 2010

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.286 of 2013 on the file of
the XIX Additional Sessions Court, Chennai, in connection with Crime
No.140 of 2010 on the file of the respondent.

For Petitioner : Mr.M.Vinoth

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



CrI.O.P.No.14065 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.09.2022, pursuant to the non-bailable warrant issued against him on 27.04.2022, for the alleged offence under Sections 452, 120(B), 341, 302 r/w 34 of IPC, in S.C.No. 286 of 2013, pending on the file of learned XIX Additional Sessions Court, Chennai, in connection with Crime No.140 of 2010, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A4) facing trial in S.C.No.286 of 2013 pending on the file of the XIX Additional Sessions Court , Chennai. He further submitted that the petitioner has been regularly appearing before the trial Court, on all hearing dates, whereas, due to his illness, he was unable to appear before the trial Court on 27.04.2022, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested and remanded to judicial custody on 21.09.2022. He also submitted that since the petitioner is in custody, he was unable to defend his case properly.

3. He further submitted that the co-accused in this case are



Crl.O.P.No.14065 of 2023

regularly appearing before this Court and the petitioner also undertakes that he will appear before the trial Court on all hearing dates without fail. He also submitted that the petitioner is ready to file an Affidavit of Undertaking stating that he will co-operate for speedy disposal of the trial. He further submitted that the petitioner is prepared to furnish sufficient sureties and also ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is an accused (A4) facing trial S.C.No.286 of 2013 pending on the file of the XIX Additional Sessions Court, Chennai, has failed to appear before the trial Court on 27.04.2022, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and pursuant to which, he was arrested on 21.09.2022. He also submitted that it is the case of the year 2010 and there are four accused, 18 witnesses in this case. He further submitted that so far LW1 to LW5 were examined and now the case stands posted on 11.07.2023 for examination of LW 6 to LW10. Therefore, if bail is granted to the petitioner, there is every possibility of him to abscond once again which would derail the progress of



Crl.O.P.No.14065 of 2023

the trial. Therefore, he opposed 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 Police and perused the 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, 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 a blood related surety), each for a like sum to the satisfaction of the **XIX Additional Sessions Court, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and



Crl.O.P.No.14065 of 2023

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 learned XIX Additional Sessions Court, Chennai, on all hearing dates, 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.

23.06.2023

ham



WEB COPY



Crl.O.P.No.14065 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

To

1. The XIX Additional Sessions Court,
Chennai.
2. The Inspector of Police,
H-1, Washermanpet Police Station,
Chennai City.
3. The Central Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14065 of 2023

23.06.2023