



Crl.O.P.No.14067 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

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

Crl.O.P.No.14067 of 2023

Sugumar

... Petitioner

Vs.

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

Crime No.141 of 2010

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.254 of 2016 on the file of
the VII Additional Sessions Court, Chennai, in connection with Crime
No.141 of 2010 on the file of the respondent.

For Petitioner : Mr.M.Vinoth

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



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ORDER

The petitioner, who was remanded to judicial custody through PT warrant on 21.09.2022, pursuant to the non-bailable warrant issued against him on 06.07.2022, for the alleged offence under Sections 341, 384, 336, 427, 307, 506(ii) r/w 34 of IPC, in S.C.No. 254 of 2016, pending on the file of learned VII Additional Sessions Court, Chennai, in connection with Crime No.141 of 2010, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A3) facing trial in S.C.No.254 of 2016 pending on the file of the VII 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 06.07.2022, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was remanded to judicial custody through PT warrant 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



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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 (A3) facing trial S.C.No.254 of 2016, pending on the file of the VII Additional Sessions Court, Chennai, has failed to appear before the trial Court on 06.07.2022, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and pursuant to which, he was remanded to judicial custody on 21.09.2022 through PT warrant. Therefore, if bail is granted to the petitioner, there is every possibility of him to abscond once again which would derail the progress of the trial. Therefore, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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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 **VII Additional Sessions Court, 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;



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[b] the petitioner shall report before the learned VII 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.

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The VII 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.

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