



Crl.O.P.No.14082 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.14082 of 2023

Vinoth @ Snack Vinoth

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G-7, Chetpet Police Station,
Chennai City.

Crime No.925 of 2017

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.189 of 2019 on the file of
the XXIII Additional Sessions Court, Chennai, in connection with Crime
No.925 of 2017 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 arrested and remanded to judicial custody, pursuant to the non-bailable warrant issued against him on 14.03.2022, for the alleged offence under Sections 147, 148, 302 r/w 120(b), 149 of IPC, in S.C.No.189 of 2019, pending on the file of learned XXIII Additional Sessions Court, Chennai, in connection with Crime No.925 of 2017, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A3) facing trial in S.C.No.189 of 2019 pending on the file of the XXIII 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 14.03.2022, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him. He also submitted that in the mean time, the respondent has registered a false case in Crime No.20 of 2023 against the petitioner and in connection with the same, the petitioner was arrested on 13.02.2023 and further, he was remanded to judicial custody, pursuant to the non-bailable warrant of arrest through PT warrant.



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3. He further submitted that the petitioner undertakes that he will appear before the trial Court on all hearing dates without fail and also he 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 having a permanent residence and he 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.189 of 2019 pending on the file of the XXIII Additional Sessions Court, Chennai, has failed to appear before the trial Court on 14.03.2022, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and pursuant to which, he was formally arrested on 19.03.2023. He also submitted that three previous cases are pending as against the petitioner. Therefore, if bail is granted to the petitioner, there is every possibility of him absconding once again and would derail the progress of trial. Therefore, he opposed for grant of bail to the petitioner.



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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.15,000/- (Rupees Fifteen thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the **XXIII 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 XXIII Additional Sessions Judge, Chennai, on all working days at 10.30 a.m., for a period of two weeks and thereafter, 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 XXIII Additional Sessions Court,
Chennai.
2. The Inspector of Police,
G-7, Chetpet Police Station,
Chennai City.
3. The Central Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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