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CrI.OP.No.16369 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.16369 of 2023

Aswin

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
(Cr.No.18 of 2016)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.293 of 2020 pending file of the learned Principal Session Judge, Villupuram, in Crime No.18 of 2016 on the file of the Inspector of Police, Villupuram Town Police Station, Villupuram.

For Petitioner : Mr.C.Ganesh Pandian

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.04.2023 for the offences punishable under Section 120 (B), 148, 149, 109, 307 I.P.C and r/w 3 (A), 4 (A), 5, 6 Explosive Substances Act, 1908, in Crime No.18 of 2016 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is an accused in S.C.No.293 of 2020 on the file of the learned Principal Session Judge, Villupuram. Because of his absence on 19.03.2022, NBW was ordered against him. NBW was executed on 11.04.2023 and he is in judicial custody from 11.04.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that this case is pending for framing of charges.

4.Considered the rival submissions and perused the records.



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5.Considering the fact that petitioner is in judicial custody from 11.04.2023, this Court is inclined to grant bail to the petitioner with conditions.

6. 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**, each for a like sum to the satisfaction of the **learned Principal Session Judge, Villupuram** 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 report before the concerned Court on all working days at 10.30.a.m., until further orders and on the date of hearings.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or



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witness either during investigation or 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1.The Principal Session Judge, Villupuram.

2.The Inspector of Police,
Villupuram Town Police Station,
Villupuram.

3.Central Jail, Cuddalore.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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