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Crl.O.P.No.15853 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

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

Crl.O.P.No.15853 of 2023

D.Raghupathy

...Petitioner

Vs.

The State represented by
The Inspector of Police,
K10, Koyambedu Police Station,
Chennai.
Crime No.775 of 2019.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in S.C.No.228 of 2021 in Crime No.775 of 2019 pending investigation on the file of the XXII Additional Session Court at Allikulam, at Chennai.

For Petitioner : Mr.A.M.Venkata Krishnan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.06.2023 for the offences punishable under Sections 294(b) and 307 IPC pending in S.C.No.228 of 2021 on the file of the XXII Additional Session Court at Allikulam, at Chennai in connection with Crime No.775 of 2019, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in S.C.No.228 of 2021. Petitioner has not appeared before the learned Sessions Court for hearing on 16.12.2022. Therefore, Non Bailable Warrant was issued against him on 16.12.2022 and it was executed on 16.06.2023. Since then, petitioner is in judicial custody. He further submitted that, petitioner would be very regular hereafter and thus, he seeks bail to the petitioner.

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



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4. Considering the the facts and circumstances in which the Non-Bailable Warrant was issued against the petitioner and subsequently remanded to Judicial Custody on 16.06.2023 and also having regard to the submission of the learned counsel for the petitioner that the petitioner would regularly appear before the Court hereafter, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned V Metropolitan Magistrate Court, Egmore, Chennai - 01** 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 appear before the **learned XXII Additional Session Court at Allikulam,**



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**at Chennai on all working day until further orders and
on all hearing dates without fail;**

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

[d] the petitioner shall not tamper with
evidence or 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 V Metropolitan Magistrate Court, Egmore, Chennai – 01.
- 2.The XXII Additional Session Court at Allikulam, at Chennai.
- 3.The Central Prison, Puzhal,
Chennai.
- 4.The Inspector of Police,
K10, Koyambedu Police Station,
Chennai.
- 5.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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