



Crl.O.P.No.17577 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.17577 of 2023

Kumar @ Selvakumar

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
AWPS-Ulundurpet Police Station.
(Crime No.12 of 2018).

...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.19/2019 on the file Magalir Neethi Mandram (FTMC), Villupuram.

For Petitioner : Mr.T.Maha Vishnu for Mr.A.Gowtham

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.03.2019 for the offences punishable under Sections 324, 354(A), 366 and 376(2)(m) IPC pending in S.C.No.19 of 2019 on the file Magalir Neethi Mandram (FTMC), Villupuram in connection with Crime No.12 of 2018, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in S.C.No.19 of 2019. Because of petitioner's absence, Non-Bailable Warrant was issued on 23.01.2019 and was executed on 29.03.2019. Petitioner is in judicial custody on 29.03.2019. Though petitioner has two other cases pending, he obtained bail in both the cases. He further submitted that, petitioner would be very regular hereafter and thus, he seeks bail to the petitioner.

3. In response, the learned Additional Public Prosecutor submitted that, petitioner has two previous cases pending against him. Thus, he prays for dismissal of this petition.



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4. Considering the facts and circumstances in which the Non-Bailable Warrant was issued against the petitioner and subsequently remanded to Judicial Custody on 29.03.2019 and that it is claimed that petitioner was granted bail in other cases, pending against him 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 **Magalir Neethi Mandram (FTMC), 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.



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[b] the petitioner shall appear before the Magalir Neethi Mandram (FTMC), Villupuram, 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 Magalir Neethi Mandram (FTMC),
Villupuram.
- 2.The Inspector of Police,
AWPS-Ulundurpet Police Station.
- 3.Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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