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Crl.OP.No.17243 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.OP.No.17243 of 2023

David @ Allahpitchai

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District.
(Cr.No.706 of 2010)

...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.59 of 2020 on the file of the learned II Additional Sessions Judge, Tiruchengode, Namakkal District, in Crime No.706 of 2010 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 28.06.2023 for the offences punishable under Section 120-B, 395 r/w 397 I.P.C, in Crime No.706 of 2010 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioner submitted that petitioner is accused in S.C.No.59 of 2020 on the file of the learned II Additional Sessions Judge, Tiruchengode, Namakkal District, in Crime No.706 of 2010 for the offence under Section 120-B, 395 r/w 397 I.P.C. Petitioner was not able to appear before the trial Court on 25.01.2023 and NBW was issued against him on 25.01.2023. NBW was executed on 28.06.2023. Since then he is in judicial custody. He is prepared to appear before the trial Court regularly. Thus, he seeks bail.

3.In response, the learned Government Advocate (Criminal Side) submitted that NBW was executed on 28.06.2023. Therefore, he opposed this petition.

4.Considered the rival submissions and perused the records.



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5.Considering the submission made by the learned counsel for the petitioner that petitioner would be regular in appearing before the trial Court in future and that he in judicial custody from 28.06.2023, 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 II Additional Sessions Judge, Tiruchengode, Namakkal District**, 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 10.00.a.m., until further orders and on the date of hearings without fail.

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



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[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 II Additional Sessions Judge, Tiruchengode,
Namakkal District.
- 2.The Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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