



Crl.O.P.No.19010 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19010 of 2023

Eli @ Udhayan

...Petitioner

Vs.

State Rep by
The Inspector of Police,
Auroville Police Station,
Villupuram District.
Crime No.31 of 2012.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in PRC.No.15/2023 pending on the file of the learned District Munsif cum Judicial Magistrate Court-Vanoor.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.04.2023 for the offence punishable under Sections 120B, 397 of IPC in Crime No.31 of 2012 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is an accused in PRC.No.15 of 2023 pending on the file of District Munsif cum Judicial Magistrate Court-Vanoor. Since, petitioner had not appeared before the Court, Non-Bailable Warrant was issued against him on 27.04.2023. Thereafter, he was produced under PT warrant on 11.05.2023 and since then, he is in jail. He further submitted that, petitioner would be very regular hereafter. Therefore, he prays for grant of bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, petitioner has one more case pending against him in Crime No.134 of 2023 for the offences under Sections 147, 148, 294(b), 324, 397,



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506(ii) IPC and the same is pending for investigation. Thus, he prays for dismissal of this petition.

4. Considering the circumstances in which the Non-Bailable Warrant was issued against the petitioner and that he was subsequently remanded to Judicial Custody on 27.04.2023 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. Accordingly, petitioner is ordered to be released on bail on their 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 District Munsif Cum Judicial Magistrate Court-Vanoor** 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 District Munsif Cum Judicial Magistrate Court-Vanoor, on all working day until further orders and on



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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 District Munsif Cum Judicial Magistrate Court-Vanoor
- 2.The Inspector of Police,
Auroville Police Station,
Villupuram District.
- 3.The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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