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CrI.OP.No.20097 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2023

CORAM

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

CrI.OP.No.20097 of 2023

Aswin

..Petitioner

Vs.

The 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 enlarge the petitioner on bail pending trial in P.R.C.No.15 of 2023 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 offences punishable under Sections 120 B, 397 of IPC pending in P.R.C.No.15 of 2023 on the file of the District Munsif Cum Judicial Magistrate Court, Vanoor in connection with Crime No.31 of 2012, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in P.R.C.No.15 of 2023. Non Bailable Warrant was issued against him on 11.04.2023 and thereafter, it was executed on 27.04.2023. 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 opposed the petition on the ground that, due to the absence of the petitioner, there is a delay in completing the trial.

4. Considering the facts and circumstances in which the Non-Bailable Warrant was issued against the petitioner and subsequently



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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.

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 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 at 05.30.p.m., on all working dates 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. District Munsif Cum Judicial Magistrate Court, Vanoor

2. The Inspector of Police,
Auroville Police Station,
Villupuram District.

3. Central Prison,
Cuddalore.

4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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