



Crl.OP.No.19643 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

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

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S.Selvam

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
Crime No.1239 of 2021

...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.62 of 2022 pending before the learned IV Additional Sessions Judge, Chennai.

For Petitioner : Mr.T.Shanmugaboopathi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2023 for the offences punishable under Section 302 r/w 34 I.P.C, in Crime No.1239 of 2021 on the file of the respondent police,



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seeks bail.

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2.It is the submission of the learned counsel for the petitioner that petitioner is the second accused in S.C.No.62 of 2022 pending on the file of learned IV Additional Sessions Judge, Chennai. Since, he was absent on 27.04.2023, NBW was issued against him and was executed on 14.07.2023. Since, then, he is in judicial custody. Petitioner would be regular hereafter, in attending Court. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that there are three accused in this case. Other three accused are appearing before the Court.

4.Considered the rival submissions and perused the records.

5.Considering the fact that petitioner was arrested on NBW on 14.07.2023 and the submission of the learned counsel for the petitioner that he would be regular hereafter in attending the Court, this Court is inclined to grant bail to the petitioner with conditions.



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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 IV Additional Sessions Judge, Chennai**, 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.

[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



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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 IV Additional Sessions Judge, Chennai

2.The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.

3.Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras



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