



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 01.09.2023

CORAM:

**THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.20112 of 2023

E.Vinothkumar

.. Petitioner/3<sup>rd</sup> Accused

Vs.

State rep by  
The Inspector of Police,  
J-7, Velacherry Police Station,  
Chennai.  
(Crime No. 1654/2014)

... Respondent

**PRAYER:** Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in S.C.No.340 of 2015 pending trial on the file of the learned VII Additional District and Sessions Judge, Chennai.

For Petitioner : Mr.N.Arun Kumar

For Respondent : Mr.S.Rajakumar  
Additional Public Prosecutor

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## **ORDER**

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The petitioner failed to appear before the Court in the course of the trial on 25.07.2023. Hence Nonailable Warrant was issued and same was executed on 18.08.2023.

2. The petitioner sought bail before the trial Court, however, the trial Court declined to entertain the bail petition on the ground that the petitioner though absent for one hearing, had not chosen to appear before the Court and recalled the warrant stating the reason for his non appearance.

3. The learned Additional Public Prosecutor states that the petitioner has regularly appearing before the trial Court, already 16 witnesses were examined and he had been cooperating with the trial.

4. Considering the background of the case and the reason stated by the petitioner herein for his non appearance on 25.07.2023, this Court is of the view that the petitioner may be granted bail. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;



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(a) the petitioner shall execute 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 **VII Additional District and Sessions Judge, Chennai;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner shall report before the trial Court daily at 10.30 a.m., and also on the date of hearing, until further orders;**

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**01.09.2023**

rpl

**Dr.G.JAYACHANDRAN, J.**

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**To**  
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1. The VII Additional District and Sessions Judge, Chennai.
2. The Inspector of Police,  
J-7, Velacherry Police Station,  
Chennai.
3. The Superintendent,  
Central Prison  
Puzhal.
4. The Public Prosecutor,  
High Court, Madras.

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