



CrI.OP.No.20363 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2023

CORAM

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

CrI.OP.No.20363 of 2023

Duraipandi

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
J4 Kotturpuram Police Station,
Chennai.
Crime No.280 of 2002

...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.136 of
2023 pending before the IX Metropolitan Magistrate, Saidapet, Chennai
in Crime No.280 of 2002

For Petitioner : Mr.M.Hussaini Basha

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.07.2023 for the offences punishable under Sections 427, 457, 342, 395 read with Sections 109, 34 of IPC pending in P.R.C.No.136 of 2003 on the file of the learned IX Metropolitan Magistrate, Saidapet in connection with Crime No.280 of 2002, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in P.R.C.No.136 of 2003 on the file of the learned IX Metropolitan Magistrate, Saidapet. Since, petitioner did not appear before the Court, Non Bailable Warrant was issued against him on 21.11.2019. Petitioner voluntarily surrendered before the the learned IX Metropolitan Magistrate, Saidapet with a petition for recalling the warrant. However, recall petition was dismissed and he was remanded to Judicial Custody on 28.07.2023. Challenging the dismissal order, petitioner filed Crl.M.P.No.20479 of 2023 on the file of the Principal Sessions Judge, Chennai and that was also dismissed. Therefore, present petition is filed. He further submitted that, petitioner would be very regular hereafter and thus, he seeks bail to the petitioner.



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3. In response, the learned Additional Public Prosecutor submitted that, trial in this case is pending from the year 2003. Accused are not regularly appearing before the Court and therefore, Non-Bailable Warrant was issued against him. On verification, it was found that, sureties produced for the accused A2 to A9 are bogus sureties. Out of two sureties furnished by the petitioner, one surety died. Another surety was present before the Court. Considering the period of absence of the petitioner, learned Principal Sessions Judge, Chennai dismissed the recall petition.

4. Considering the facts and circumstances in which the Non-Bailable Warrant was issued against the petitioner and petitioner had voluntarily surrendered before the Court with a recall petition and that petition was dismissed and subsequently petitioner was remanded to Judicial Custody on 28.07.2023 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.



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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 X Metropolitan Magistrate, Egmore, 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 appear before the learned X Metropolitan Magistrate, Egmore, Chennai on all working day for one month and thereafter on 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,



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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.

04.09.2023

Sma

To

1. X Metropolitan Magistrate, Egmore, Chennai
2. The Inspector of Police,
J4 Kotturpuram Police Station,
Chennai.
3. Central Prison, Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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