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CrI.OP.No.20361 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.09.2023

CORAM

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

CrI.OP.No.20361 of 2023

Aswin

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
Crime No.406 of 2016

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending committal in S.C.No.65 of 2022 pending file of the Principal Sessions Judge, Villupuram in connection with Crime No.406 of 2016 on the file of the Inspector of Police, Villupuram Town Police Station, Villupuram.

For Petitioner : Mr.C.Ganesh Pandian

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2023 for the offences punishable under Sections 147, 148, 324, 302, 120(B), 149 of IPC read with Sections 3, 4(a), 5, 3 read with Section 6 of Explosive Substances Act, 1908 read with Sections 25(1)(a), 22(i) of Arms Act pending in S.C.No.65 of 2022 on the file of the learned Principal Sessions Judge, Villupuram in connection with Crime No.406 of 2016, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in S.C.No.65 of 2022. Since, petitioner did not appear before the Court, Non Bailable Warrant was issued against him on 08.09.2021 and thereafter, he was produced on PT warrant on 22.06.2023, since then, petitioner is in Judicial Custody. 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



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submitted that, trial in this case is pending.

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4. Considering the circumstances under which the Non-Bailable Warrant was issued against the petitioner and subsequently he was produced before the Court on PT Warrant on 22.06.2023 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 Principal Sessions Judge, Villupram** 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 Principal Sessions Judge, Villupram on all



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**working days until further orders 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, 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.

07.09.2023

Sma/Apd

To



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1. Principal Sessions Judge, Villupram

2. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.

3. Central Jail, Cuddalore.

4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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Sma/Apd

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