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CrI.OP.No.20838 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.09.2023

CORAM

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

CrI.OP.No.20838 of 2023

Mani @ Vinoth @ Pichumani

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
J-5, Sastri Nagar Police Station,
Chennai.
Crime No.455 of 2011

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending trial in S.C.No.62 of
2018 on the file of the XV Additional Sessions Judge, Chennai.

For Petitioner : Mr.D.Arun

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.06.2023 for the offences punishable under Sections 394, 397 read with Section 34 of IPC pending in S.C.No.62 of 2018 on the file of the learned XV Additional Sessions Judge, Chennai in connection with Crime No.455 of 2011, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in S.C.No.62 of 2018. Since, petitioner did not appear before the Court, Non Bailable Warrant was issued against him on 28.02.2018 and the same was executed on 09.06.2023. He further submitted that, no summon was served on the petitioner and he did not aware of the issuance of the Non Bailable Warrant and if he had known about the issuance of the Non Bailable Warrant, he would have appeared before the trial Court and filed recall petition. He further submitted that, case against A1 to A3 was split up in S.C.No.31 of 2014 and after contest, it was ended in acquittal. Petitioner is in Judicial Custody from 13.06.2023. 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 opposes the petition on the ground that, only for the reason that, petitioner had not appeared before the Court, Non Bailable Warrant had been issued and the case against other accused had split up and ended in acquittal.

4. Considering the submission of the learned counsel for the petitioner that, summons was not served on the petitioner and he did not aware of the issuance of the Non Bailable Warrant against him and if he had known about the issuance of Non Bailable Warrant, he would have appeared before the trial Court and filed petition for recall of warrant and his further submission that the petitioner would regularly appear before the Court hereafter and having regard to the fact that, petitioner is in Judicial from 13.06.2023 and also the fact that, case against other accused ended in acquittal, 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



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of the **learned XV 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 appear before the learned XV Additional Sessions Judge, Chennai on all working days until further orders and 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].



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[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

11.09.2023

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To

1. XV Additional Sessions Judge, Chennai

2. The Inspector of Police,
J-5, Sastri Nagar Police Station,
Chennai.

3. Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

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