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CrI.OP.No.20743 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20743 of 2023

Annamalai.

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
B-2, Esplanade Station,
Chennai.
(Crime No.192 of 2019)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in connection with the case in PRC No.5 of 2022 on the file of learned VII Metropolitan Magistrate, G.T. Chennai, connected with Cr.No.192 of 2019 on the file of the respondent Police.

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.08.2023 for the offence punishable under Sections 294(b), 392, 397, 427, 506(ii) r/w 34 of I.P.C, in Crime No.192 of 2019 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is accused in PRC No.5 of 2022 on the file of learned VII Metropolitan Magistrate, G.T. Chennai, for the offences under Sections 294(b), 392, 397, 427, 506(ii) r/w 34 of I.P.C. Since, petitioner was not present before the Court on 15.10.2022, NBW was issued against him. He was arrested on NBW on 04.08.2023. Petitioner would be regular in appearing before the trial Court for future hearings. Thus, he seeks bail.

3.The learned Additional Public Prosecutor opposed this petition on the ground that because of absence of petitioner there was no progress in the case for one year and other accused had to attend the Court hearings without any progress in the trial.



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4.Considered the rival submissions and perused the records.

5.It is submitted by the learned counsel for the petitioner that petitioner would be regular hereafter, in appearing before the trial Court. Petitioner is in judicial custody from 04.08.2023. Thus, this Court is inclined to grant bail to the petitioner with conditions.

6. 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 VII M.M, G.T at 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.,



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and on the date of hearings, till the completion of trial 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.

7.No petition for relaxation of condition imposed on petitioner should be filed in this case for the next six months

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To

1. VII M.M. G.T
Chennai

2. The Inspector of Police,
B-2, Esplanade Station,
Chennai.

3. Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

ep/Apd

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