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CrI.OP.No.21325 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.09.2023

CORAM

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

CrI.OP.No.21325 of 2023

1. Siva Kumar
2. Gokul Raj
3. Gowtham

..Petitioners

Vs.

The State Rep. By
The Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai.
Crime No.1092 of 2017

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail pending trial in S.C.No.60 of
2018 on the file of the XIX Additional Sessions Judge at Chennai.

For Petitioners : Mr.T.Muruganantham

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.07.2023 for the offences punishable under Sections 341, 294(b), 326, 307, 506(ii) of IPC read with Section 34 of IPC pending in S.C.No.60 of 2018 on the file of the learned XIX Additional Sessions Judge at Chennai in connection with Crime No.1092 of 2017, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are accused in S.C.No.60 of 2018. Since, petitioners did not appear before the Court on 14.07.2023, Non Bailable Warrant was issued against them on the same day and thereafter, it was executed on 24.07.2023, since then, petitioners is in Judicial Custody. He further submitted that, petitioners would be very regular hereafter and thus, he seeks bail to the petitioners .

3. In response, the learned Additional Public Prosecutor opposes the petition on the ground that, due to the absence of the petitioners, there is a delay in trial.



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4. Considering the circumstances under which the Non-Bailable Warrant was issued against the petitioners and subsequently remanded to Judicial Custody on 24.07.2023 and also having regard to the submission of the learned counsel for the petitioners that the petitioners would regularly appear before the Court hereafter, this Court is inclined to grant bail to the petitioners .

5. Accordingly, the petitioners are ordered to be released on bail on their 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 XIX Additional Sessions Judge 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 petitioners shall appear before the learned XIX Additional Sessions Judge at Chennai on all working days until further orders and on all hearing dates without fail;



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[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To

1. XIX Additional Sessions Judge at Chennai

2. The Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai.

3. Central Prison,
Puzhal.

4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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