



CrI.OP.No.21216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

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

CrI.OP.No.21216 of 2023

P.Murugesan

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
K-11 CMBT Police Station,
Chennai – 600 107.
Crime No.61 of 2022

...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.244 of
2022 on the file of the learned III Additional District and Sessions Judge,
Chennai.

For Petitioner : Mr.P.Princepremkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



CrI.OP.No.21216 of 2023

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.04.2023 for the offences punishable under Section 307 of IPC altered into Section 302 of IPC pending in S.C.No.244 of 2022 on the file of the learned III Additional District and Sessions Judge, Chennai in connection with Crime No.61 of 2022, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in S.C.No.244 of 2022. Since, petitioner did not appear before the Court, Non Bailable Warrant was issued against him on 26.04.2023 and thereafter, it was executed on 05.07.2023. 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 opposes the petition on the ground that, due to the absence of the petitioner, there is a delay in disposing the case.



CrI.OP.No.21216 of 2023

4. Considering the circumstances under which the Non-Bailable Warrant was issued against the petitioner and subsequently remanded to Judicial Custody on 26.04.2023 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 III Additional District and 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 III Additional District and Sessions Judge, Chennai on all working days till the completion of trial.

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



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Crl.OP.No.21216 of 2023

[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.

14.09.2022

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CrI.OP.No.21216 of 2023

To

1. III Additional District and Sessions Judge, Chennai

2. The Inspector of Police,
K-11 CMBT Police Station,
Chennai – 600 107.

3. Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras



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Crl.OP.No.21216 of 2023

G.CHANDRASEKHARAN. J.

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Crl.O.P.No.21216 of 2023

14.09.2023