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CrI.OP.No.22593 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.22593 of 2023

P.Sankar
S/o.Pandian

...Petitioner

Vs.

State rep.by,
Inspector of Police,
J – 3 Guindy Police Station,
Chennai.
Crime No.1285 of 2011

...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.545 of 2018, on the file of the XVII Additional City Civil Court, Chennai.

For Petitioner : M/s.V.Anandhan
For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)

ORDER

This petition is filed to enlarge the petitioner on bail, pending trial in S.C.No.545 of 2018, on the file of the XVII Additional City Civil Court, Chennai.

2.Petitioner is the sixth accused in S.C.No.45 of 2018, pending



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before the XVII Additional City Civil Court, Chennai. Charges are framed under Sections 147, 364, 302, 582 r/w 120 (b), 201 & 149 IPC.

3.The learned counsel for the petitioner submitted that there are totally six accused in this case and the petitioner herein is the sixth accused. He further submitted that all the other accused had been granted bail. Thus, he prays to grant bail for the petitioner.

4.It is stated by the learned Government Advocate (Crl.Side) that petitioner had been absconding from the judicial process from 08.03.2023, therefore, Non Bailable Warrant was issued and the accused was secured on 07.08.2023. In view of the particular fact that the accused is absconding, trial is not completed. Thus, he opposed the grant of bail to the petitioner.

5.However, it is stated by the learned counsel for the petitioner that petitioner is a lorry driver and had gone to Arunachal Pradesh for delivering the goods and therefore, he was not able to attend the Court.



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6.Considering the fact that the case is at the stage of trial, in order to give an opportunity for the petitioner to defence the case and give instructions to his counsel, this Court is inclined to grant bail to the petitioner subject to the following conditions. Accordingly, the petitioner is ordered to be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the **learned XVII Additional City Civil Court, 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 XVII Additional City Civil Court, Chennai, everyday Morning at 10.30 a.m., till the completion of trial, until further orders.

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



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[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.

11.10.2023

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To

1.XVII Additional City Civil Court, Chennai,

2.The Central Prison, Puzhal.

3.The Public Prosecutor,
High Court of Madras.

4.Inspector of Police,
J – 3 Guindy Police Station,
Chennai.
Crime No.1285 of 2011

C.V.KARTHIKEYAN. J.



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