



WEB COPY



CrI.O.P.No. 24819 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM

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

CrI.O.P.No.24819 of 2023

Kiruba @ Kirubanantham

... Petitioner

Vs.

The State rep by
The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai
Crime No.47 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.47 of 2022
pending on the file of the respondent Police.

For Petitioner : Mr.S.Senthil Kumar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 19.07.2023, seeks bail in Crime No.47 of 2022, which was registered by



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the respondent Police for the offences under Sections 341, 294(b), 307 and 506(ii) of IPC r/w Section 34 of IPC.

2.Subsequent to the investigation, the final report had been filed which had been taken cognizance as S.C.No.55 of 2023 before the XXI Additional Sessions Court, Chennai.

3.Since the petitioner who is arrayed as A1, had absconded from appearance before the Court, Non Bailable Warrant was issued on 15.03.2023 and the petitioner was secured only on 19.07.2023.

4.The learned counsel for the petitioner stated that in the interregnum period, the petitioner was arrested and suffering incarceration in a prison at Andhra Pradesh. The one factor which clogs the mind of the Court was the absconding of A4.

5.It is stated that subsequently A4 had also surrendered.

6.In view of the fact that all the accused are now facing trial and had submitted themselves to judicial process, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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



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V Metropolitan Magistrate, Egmore, 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 XXI Additional Sessions Court, Chennai, everyday at 10.30 a.m., until further orders;

[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.

03.11.2023

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C.V.KARTHIKEYAN, J.

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To

1. The XXI Additional Sessions Judge, Chennai.
2. The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai
3. The Central Prison II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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