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CrI.OP.No.25922 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

CrI.OP.No.25922 of 2023

Sathishkumar

...Petitioner

Vs.

State represented by,
The Inspector of Police,
P-5, MKB Police Station,
Chennai – 600 039.
Crime No.392 of 2008.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with S.C.No.366 of 2011 in Crime No.392 of 2008 pending on the file of XIX Additional Sessions Judge, Chennai.

For Petitioner : Mr.T.Nixon

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal side)



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ORDER

The petitioner/A2 in S.C.No.366 of 2011 now pending trial before the XIX Additional Sessions Judge, Chennai seeks bail. Originally Crime No.392 of 2008 had been registered by the respondent under Sections 120B, 394, 397 and 414 IPC.

2.It is stated that about four witnesses had been examined. The trial is in process. The petitioner had absconded from judicial process on 16.03.2021 and secured on 04.09.2023.

3.This Court expressed apprehension that yet another accused had absconded. But he had also surrendered.

4. It is informed that application seeking to recall the warrant had been allowed.

5. Taking all the factors into consideration and also the fact that proper opportunity should be given to the petitioner for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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6. 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 **XIX Additional 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 report before the learned XIX Additional Sessions Judge, Chennai everyday at 10.30 a.m., during the course of trial, apart from the hearing dates till the completion of trial.

[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



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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.

27.11.2023

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To

1. The XIX Additional Sessions Judge, Chennai
2. The Inspector of Police,
P-5, MKB Police Station,
Chennai – 600 039.
3. Puzhal Jail, Chennai.
4. The Public Prosecutor,
Madras High Court.



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C.V.KARTHIKEYAN, J.

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