



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

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

Crl.O.P.No.25987 of 2023

Suresh @ Hari

... Petitioner/A1

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., prayed to enlarge the petitioner on bail in S.C.No.138 of 2022 on the file of the learned II Additional Sessions Judge, Chennai connected with Crime No.402 of 2019 on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.R.Kishore Kumar,
Govt. Advocate (Criminal Side)



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ORDER

The petitioner / A1 seeks bail in S.C.No.138 of 2022 which is now pending before the II Additional Sessions Court at Chennai. Originally, Crime No.402 of 2019 had been registered under Sections 294(b), 392 r/w 397, 506(ii) r/w 34 of IPC.

2.The petitioner did not appear before the Court on 09.08.2023, necessitating NBW to be issued and the petitioner was secured on 25.09.2023. It had been stated that the petitioner met with an accident and his right leg was fractured and therefore, he could not appear before the Court. It is also stated that his mother was sick. It is now stated that the matter is posted for framing of charges.

3.Taking all these factors into consideration, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on executing a separate 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 II 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 appear before the trial Court on every Monday at 10.30 a.m till examination of the defacto complainant and thereafter, during the Court hearing dates till 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 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.

24.11.2023

smv



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C.V.KARTHIKEYAN, J.

smv

To

- 1.The II Additional Sessions Judge, Chennai.
- 2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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