



Crl.O.P.No.27129 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

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

Crl.O.P.No.27129 of 2023

R.Bharathi S/o. Rathinam

...Petitioner/Accused-15

Vs.

The State rep. by
The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.

(Crime No.615 of 2021)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.248 of 2022 on the file of the learned XXI Additional Judge, Allikulam, Chennai, on such terms and conditions.

For Petitioner : Mr.C.D.Sugumar

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



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ORDER

The petitioner is A15 in S.C.No.248 of 2022, now pending before the XXI Additional Judge, Allikulam, Chennai, seeks bail. Originally, Crime No.615 of 2021 had been registered by the respondent police for the offences punishable under Sections 147, 148, 341, 302 of IPC r/w 149 of IPC.

2.The petitioner had been earlier granted bail. After the matter had been committed to the Court of Sessions, the petitioner had absconded and a Non-bailable warrant was issued on 02.09.2022. The petitioner had been secured on 06.06.2023. Earlier bail application of the petitioner had been dismissed on 20.10.2023 in CrI.O.P.No.24322 of 2023. At that time, it had been observed that NBW's were still pending against A8, A11 and A14.

3.It is now stated that steps under Section 446 Cr.P.C., against the threat with respect to the said accused had been initiated. That is a change in circumstance.



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4.In view of all these facts, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two fresh sureties, each for a like sum to the satisfaction of the learned XXI Additional Judge, Allikulam, Chennai, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the learned XXI Additional Judge, Allikulam, Chennai, on every Monday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

[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.



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[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.

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To

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



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C.V.KARTHIKEYAN. J.

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