



Crl.O.P.Nos.27084 and 27185 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

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

Crl.O.P.Nos.27084 and 27185 of 2023

Dhanachezhiyan

...Petitioner in both cases

Vs.

The State of Tamil Nadu,
Rep.by the Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
cases

...Respondent in both cases

PRAYER:

Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime Nos.1004 of 2020 and 475 of 2018 pending investigation on the file of the Respondent police.

For Petitioner : Mr.M.Illiyas in both cases

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



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COMMON ORDER

The petitioner in both cases seeks bail in Crime Nos.1004 of 2020 and 475 of 2018, registered by the respondent police for the offences punishable under Sections 341, 294(b), 323, 392, 506(ii) of I.P.C., in Crime No.1004 of 2020 and under Sections 392 and 506(i) of I.P.C in Crime No.475 of 2018 respectively.

2. It is stated that the petitioner absconded, necessitating Non-Bailable Warrant to be issued. He was secured on 06.07.2023.

3. The case of the prosecution is that there are 6 previous cases are pending against the petitioner including one under Section 302 and another under Section 307 of I.P.C. But those cases are not under consideration of this court today. There is only averment that Calender Case in which Non-Bailable Warrant had been issued which alone is taken into consideration.

4. Taking all the facts and circumstances of this case and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:



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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 sureties, for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore at 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 V Metropolitan Magistrate, Egmore at Chennai everyday at 10.30 a.m., till the completion of the trial in the Calender Case.

[c] Two fresh sureties to be produced. The learned V Metropolitan Magistrate, Egmore at Chennai may also accept the same sureties in both Calender Cases 4887 of 2019 and 4771 of 2023.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh



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FIR can be registered under Section 229A IPC.

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To

1.The V Metropolitan Magistrate, Egmore at Chennai.

2.The Central Prison, Puzhal, Chennai.

3.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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