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CrI.O.P.No.28226 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

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

CrI.O.P.No.28226 of 2023

Appu @ Sivasankaran

... Petitioner/Accused-3

Vs.

The State represented by
The Inspector of Police,
K-3, Aminjikarai 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.237 of 2023 on the file of
the XX Additional Sessions Judge, City Civil and Sessions Court, Chennai,
on such terms and conditions.

For Petitioner : Mr.B.J.Santhosh Kumar

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



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ORDER

The petitioner/A3 seeks bail in S.C.No.237 of 2023, now pending before the XX Additional Sessions Judge, Chennai.

2.Originally, Crime No.1235 of 2012 was registered for the offences punishable under Sections 341, 324, 307, 114 r/w 34 of IPC. Subsequently, after investigation, final report had been filed and the same had been taken cognizance as PRC.No.4 of 2023 by the V Metropolitan Magistrate, Egmore, Chennai. Subsequently, the matter was committed to the Court of Sessions and now pending in S.C.No.237 of 2023 before the XX Additional Sessions Court, Chennai.

3.Since the petitioner did not appear before the Court, a Non-bailable warrant had been issued on 03.03.2017 and the same was executed on 07.03.2023 after a period of six years.

4.The earlier application seeking bail had been dismissed on 06.10.2023 and it is stated that all the accused are now appearing before the Court.



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5.Taking into consideration all these factors, I am inclined to grant bail to the petitioner subject to the following conditions:

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 fresh sureties (one surety must be a local resident and the other surety must be a blood relative of the accused), each for a like sum to the satisfaction of the V Metropolitan Magistrate, 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 XX Additional Sessions Judge, City Civil and Sessions Court, Chennai, where S.C.No.237 of 2023 is pending, everyday at 10.30 a.m., 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



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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.

18.12.2023

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To

- 1.The XX Additional Sessions Judge, City Civil and Sessions Court,
Chennai.
- 2.The V Metropolitan Magistrate, Chennai.
- 3.The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.
- 4.The Central Prison -II, Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.
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