



Crl.O.P.No.28645 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

Crl.O.P.No.28645 of 2023

Kamal @ Kamala Kannan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
V-1, Villivakkam 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.217 of 2018 pending trial
before the XXI Additional Sessions Judge, Chennai.

For Petitioner : Mr.R.Muthukumar,

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



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ORDER

The petitioner who was arrested and remanded to judicial custody on 28.06.2023 for the offences punishable under Sections 341, 392, 397, 506(ii), 336 and 427 of IPC in S.C.No.217 of 2018 on the file of the XXI Additional Sessions Judge, Chennai, seeks bail.

2.Originally, Crime No.525 of 2010 had been registered by the respondent police for the offence under Sections 341, 392, 397, 506(ii), 336 and 427 of IPC.

3.Though the petitioner had been granted bail earlier, Non-Bailable Warrant had been issued by the learned XXI Additional Sessions Judge, Chennai, on 01.03.2022 and executed on 28.06.2023.

4.The learned counsel for the petitioner stated that there has been no progress in the trial only because Non-Bailable Warrant had also been issued against A2 and A3. As against A2, it was reported only on 06.07.2023 that he had died.



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5.Earlier petition seeking bail was dismissed on 17.11.2023 in CrI.O.P.No.26176 of 2023, on that date, it was noticed that A3 was absconding. It is now stated that A3 had been secured on 19.11.2023. That is a significant change in circumstance.

6.In view of that particular fact, this Court is inclined to grant bail to the petitioner herein.

7.Accordingly, the petitioner is ordered to be released on bail on executing 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 XIII Metropolitan Magistrate, Egmore, 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 completion of trial apart from Court hearing dates.

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



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[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.

22.12.2023

smv

To

1. The XXI Additional Sessions Court, Chennai.
2. The The Inspector of Police,
V-1, Villivakkam Police Station,
Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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