



Crl.O.P.No.28468 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

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

**Crl.O.P.No.28468 of 2023**

Sarathdoss @ Sori Suresh

...Petitioner/Accused-1

Vs.

State represented by  
The Inspector of Police,  
R-4, Pondy Bazaar Police Station,  
Chennai – 600 017.

(Crime No.721 of 2020)

...Respondent

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in S.C.No.272 of 2021 on the file of the XXIII Additional Sessions Court at Chennai, on such terms and conditions.

For Petitioner : Mr.P.Vishnu Prasad

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



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## ORDER

The petitioner /A1 in S.C.No.272 of 2021, now pending before the XXIII Additional Sessions Judge, City Civil Court, Chennai, seeks bail. Originally, Crime No.721 of 2020 had been registered for the offences under Sections 302 r/w 34 of IPC.

2.The petitioner had been taken into custody and later, granted bail. There is yet another accused/A2. Both the petitioner herein and A2 had taken a decision to abscond from the trial and Non Bailable Warrant had been issued. As against the petitioner, Non Bailable Warrant was issued on 23.02.2023 and the petitioner was secured only on 28.08.2023.

4.The learned counsel for the petitioner produced a series of documents which according to him, substantiate the fact that the petitioner is suffering from paralysis.

5.The earlier bail application of the petitioner in Crl.O.P.No.26953 of 2023 was dismissed on 28.11.2023 owing to the fact that A2 was absconding and NBW was pending.

6.The one change in circumstance is that A2 has now surrendered



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and appropriate orders have been passed.

7.In view of that particular fact, I am inclined to grant bail to the petitioner subject to the following conditions:

8.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, each for a like sum to the satisfaction of the XXIII Additional Sessions Court, 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 XXIII Additional Sessions Court, Chennai, where S.C.No.272 of 2021 is pending, 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.

[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.

20.12.2023

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To

1. The XXIII Additional Sessions Court, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,  
R-4, Pondy Bazaar Police Station,  
Chennai – 600 017.
4. The Public Prosecutor,  
High Court of Madras.

**C.V.KARTHIKEYAN. J.**

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