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Crl.O.P.No.28292 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

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

Crl.O.P.No.28292 of 2023

Mohanraj @ Thuppakki Mohan

... Petitioner/Accused-2

Vs.

The State represented by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai-600 021.

(Crime No.541 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in S.C.No.149 of 2022 on the file of
the XXII Additional Sessions Judge, Chennai.

For Petitioner : Mr.Thirukannan

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



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ORDER

The petitioner is A2 in S.C.No.149 of 2022, now pending before the XXII Additional Sessions Judge, Chennai, seeks bail. Originally, Crime No.541 of 2019 had been registered by the respondent police for the offences punishable under Sections 364, 302 r/w 34 of IPC. The petitioner had been remanded to custody on 06.11.2023.

2.Let me not enter into a discussion on the facts, since the petitioner had been earlier granted bail but had absconded from judicial process, necessitating a Non-bailable Warrant issued on 27.09.2023 and the petitioner was secured on 06.11.2023.

3.It is stated that the accused are now present before the Court and the matter is now posted for framing of charges in S.C.No.149 of 2022 before the XXII Additional Sessions Court, Chennai.

4.In view of these facts, 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 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 XV Metropolitan Magistrate, George Town, 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 XXII Additional Sessions Court, Chennai, everyday 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 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



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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.

19.12.2023

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To

- 1.The XXII Additional Sessions Judge, Chennai.
- 2.The XV Metropolitan Magistrate, George Town, Chennai.
- 3.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai-600 021.
- 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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