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CrI.O.P.No.28823 of 2023

6 IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

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

**CrI.OP.No.28823 of 2023**

Hariharan @ Hari

...Petitioner

Vs.

The Inspector of Police,  
K-1, Sembium Police Station,  
Chennai District.  
Crime No.1087 of 2018.

...Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.1087 of 2018 on the file of the respondent police.

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

**ORDER**

The petitioner/A4 is an accused in C.C.No.4712 of 2019, now pending before the V Metropolitan Magistrate at Egmore, seeks bail. Originally, Crime No.1087 of 2018 had been registered for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 & 506(ii) of IPC.



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He had been remanded on execution of non-bailable warrant on 09.10.2023.

The said NBW had been issued on 11.12.2022.

2.The learned counsel for the petitioner stated that the petitioner had been detained under Act 14 of 1982 and on 26.09.2023. He had been released on directions of the State Advisory Board. It had therefore been stated that the petitioner could not have surrendered earlier.

3.The learned Government Advocate (Crl.Side) for the respondent disputes this particular statement and stated that for an offence under Section 307 IPC, FIR in Crime No.495 of 2023, alone, the petitioner had been detained under Act 14 of 1982.

4.Earlier application seeking bail came up for consideration in Crl.O.P.No.26160 of 2023 and was dismissed on 23.11.2023. It is now stated that trial had commenced and the matter is now posted on 05.02.2024 for examination of further witnesses.



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5.Taking all the factors into consideration and the fact that the accused are now appearing before the Court, this Court is 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 each for a like sum to the satisfaction of the **V Metropolitan Magistrate Court, Egmore**, 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 report before the V Metropolitan Magistrate Court, Egmore, every Monday till the completion of trial.**

[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.

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**22.12.2023**

To

1. The V Metropolitan Magistrate Court, Egmore.

2.The Inspector of Police,  
K-1, Sembium Police Station,  
Chennai District.  
Crime No.1087 of 2018.

3.Central Prison, Puzhal II.

4.The Public Prosecutor, Madras High Court.



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

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**22.12.2023**