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CrI.O.P.No.29243 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.29243 of 2023

Kallarai @ Anandhan
Son of Sekar

... Petitioner/Accused 3

Vs.

The State represented by
The Inspector of Police,
K1 Sembiam Police Station,
Chennai – 600 011
C.C.No.6519 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in C.C.No.6519 of 2021, pending trial
on the file of V Metropolitan Magistrate, Egmore, Chennai in Crime
No.1000 of 2021 on the file of K1, Sembiam Police Station, Chennai.

For Petitioner : Mr.S.Lokesh

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

The petitioner/A3 seeks bail in C.C.No.6519 of 2021, now pending before the V Metropolitan Magistrate, Egmore, Chennai.

2. The petitioner along with other accused waylaid the *de facto* complainant and snatched the mobile phone and fled away from the scene of occurrence for which a case was registered in Crime No. 1000 of 2021 for the alleged offences punishable under Sections 379 @ 120B, 392 read with Section 34 of IPC. On completion of investigation, the respondent police filed a charge sheet which has been taken on file as C.C.No.6519 of 2021. It is further stated that since the petitioner was arrested and remanded to judicial custody in another Crime No.168 of 2023 on the file of V-5, Thirumangalam Police Station and was released on bail only on 25.09.2023, he could not attend the hearing before the trial Court and hence, a Non-bailable warrant was issued on 13.03.2023 and the same was executed on 27.11.2023. The petitioner filed a petition seeking bail before the Principal District and Sessions Court, Chennai, but the same was dismissed. Hence, this petition.



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3. The learned counsel for the petitioner submits that the petitioner will attend the hearing before the trial Court and will abide by the conditions that may be imposed by this Court

4. In view of the submissions made by the learned counsel for the petitioner and considering that the petitioner was in custody in another case thereby he was unable to attend the Court, and considering that now case is posted for trial, I am inclined to grant bail to the petitioner subject to the following conditions:

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 V 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 report before the V Metropolitan Magistrate, Egmore, Chennai, in C.C.No.6519 of 2021, everyday at 10.30 a.m., until further orders.



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[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 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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gpa/dpa



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P.DHANABAL, J.

gpa/dpa

To

- 1.The V Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
K1 Sembiam Police Station,
Chennai – 600 011
- 3.The Central Prison, Puzhal II, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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