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Crl.O.P.No. 29092 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29092 of 2023

Subash

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
Crime No.313 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in C.C.No.123
of 2023 on the file of the learned Metropolitan Magistrate -XVI, Chennai.

For Petitioner : Mr.T.Balaji

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 06.11.2023 for the offences punishable under Sections 294(b), 506(i) IPC, r/w 4 of TNPHW Act C.C.No.123 of 2023 on the file of the learned Metropolitan Magistrate -XVI, Chennai, seeks bail.

2. It is a case of jumped bail. The petitioner has been arrested on 06.11.2023 on execution of Non Bailable Warrant.

3. The learned counsel appearing for the petitioner would submit that due to the petitioner's minor mental illness and when his parents tried to admit him in the hospital, he escaped from the hospital and returned after few days, the petitioner could not appear before the Court on 05.07.2023 and therefore, NBW was issued against the petitioner. Subsequently, when the petitioner surrendered before the Court below, he was arrested and remanded to judicial on 06.11.2023 on execution of Non Bailable Warrant. He would submit that the petitioner undertakes to appear before the Court below regularly and to co-operate for the trial and hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the



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petitioner did not appear before the Court below on 05.07.2023 and thereby, has was arrested on 06.11.2023 on execution of Nonailable Warrant. She further submitted that 15 witnesses already been examined by the trial court and the same is posted for examination of further witnesses. At this juncture, if the petitioner is released on bail, he may abscond and thereby, the trial would be stalled.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and also taking note of the facts that the case is pending from the year 2008 and the mental issues of the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 sureties each for a like sum to the satisfaction of the learned XVI Metropolitan Magistrate, Chennai and on further conditions that:

[b] the petitioner shall report before the learned XVI Metropolitan



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Magistrate, Chennai, daily at 10.00a.m., for a period of 30 working days.

[c] the petitioner shall not commit any offences of similar nature.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.12.2023

Vv/vca

To



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1. The XVI Metropolitan Magistrate,
Chennai.
2. The The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
3. The Central Prison, Puzhal
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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Vv/vca

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