



Crl.O.P.No.611 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

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

Crl.O.P.No.611 of 2024

Prabhu S/o. Periyasami

...Petitioner/Accused-1

Vs.

State represented by
The Inspector of Police,
Avadi Police Station,
Chennai.

(Crime No.643 of 2017)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.643 of 2017 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.S.Paulgnanamuthu

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1 in S.C.No.127 of 2017, now pending before the District Mahila Judge, (Fast Track Court) at Tiruvallur, seeks bail. Originally, Crime No.643 of 2017 had been registered for the offences under Sections 341, 302, 379 r/w 34 of IPC. A Non-bailable warrant had been issued against the petitioner on 12.10.2023 and the petitioner was remanded to custody on 27.10.2023.

2.It is stated that A2 is the wife of the petitioner herein and in the order of the learned District Mahila Judge, it had been observed that the petitioner is not residing in his native place at Tiruvallur and he had also changed his mobile number.

3.It is also seen that two children of the accused are disabled children.



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4.It is stated by the learned Government Advocate (Crl. Side) for the respondent that all the witnesses had been examined but the accused had filed an application under Section 311 of Cr.P.C., to recall the witnesses for cross-examination.

5.Taking all the factors into consideration and giving an opportunity to participate in the trial proceedings, I am 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 learned District Mahila Judge, (Fast Track Court), Tiruvallur, 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 learned District Mahila Judge, (Fast Track Court), Tiruvallur, everyday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.



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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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To

1. The District Mahila Judge, (Fast Track Court), Tiruvallur.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
Avadi Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.
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