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CrI.O.P.No.395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

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

CrI.O.P.No.395 of 2024

Indiramani @ Appu

... Petitioner

Vs.

The State represented by
The Inspector of Police,
D-4 Zam Bazaar Police Station, Chennai
Crime No.09 of 2018

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the Petitioner on bail pending trial in S.C.No.234 of 2019
on the file of XX Additional Sessions Judge, Chennai.

For Petitioner : Mr.V.Karthik

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The Petitioner who is arrayed as A4 in S.C.No.234 of 2019 now
pending trial before the XX Additional Sessions Judge, Chennai, seeks bail.



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2.Originally, Crime No.09 of 2018 had been registered by the respondent Police for the offences under Sections 147, 148, 450, 307 r/w 149 of IPC.

3.It is stated that Non Bailable Warrant had been issued against the petitioner on 15.11.2023 and executed on 26.11.2023.

4.A counter affidavit had been filed that the petitioner herein had absconded from judicial process earlier on 18.07.2023 but had surrendered on 12.09.2023 and bail had been granted by the learned Sessions Judge.

5.It is stated that the petitioner therefore is habitually absconding from judicial process preventing the free flow of the trial. It is also stated that there are four previous cases against the petitioner. But that is a factor which would have been considered by granting bail at the first instance.

6.The learned counsel for the petitioner stated that the petitioner had young infant and he did not comply with the condition imposed on one day owing to the condition of the said one year old child.

7.Taking all these factors into consideration and also to provide opportunity to the petitioner to contest the case, since it is posted on 01.02.2024 for examination of prosecution witnesses, I am inclined to grant bail to the Petitioner subject to the following conditions:



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8. 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, **out of which, one must be a blood surety and another must be a local surety, duly tested by the learned Sessions Judge**, each for a like sum to the satisfaction of the learned XX Additional Sessions Judge, 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 Sessions Court, everyday, till conclusion of the trial and apart from the Court hearing dates. It is made clear that if he again absconds, then the consideration would not be granted to the petitioner.

[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



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[(2005)AIR SCW 5560].

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

22.01.2024

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To

- 1.The XX Additional Sessions Judge, Chennai.
- 2.The Central Prison, Puzhal.
- 3.The Inspector of Police,
D-4 Zam Bazaar Police Station, Chennai
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

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