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CrI.O.P.No.514 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.514 of 2024

Rajendhiran

... Petitioner

Vs.

State represented by
Station House Officer
Avinankudi Police Station
Avinankudi, Titakudi Taluk
Cuddalore District-606 112.

... Respondent

(PRC No.36 of 2019)

Prayer: Criminal Original Petition is filed under Section 439 of the Code of Criminal Procedure to enlarge the petitioner on bail in PRC No.36 of 2019, on the file of the Chief Judicial Magistrate, Cuddalore.

For Petitioner : Mr.T.Sundaravadanam

For Respondent : Mr.A.Gopinath,
Government Advocate (CrI.Side)

ORDER

The petitioner who was arrayed as Accused No.25, was arrested and remanded to judicial custody on 20.12.2023. Pursuant to the execution of the



non-bailable warrant issued by the learned Chief Judicial Magistrate, Cuddalore in PRC No.36 of 2019.

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2.The petitioner has been arrayed as A.25 in PRC No.36 of 2019. The petitioner is facing the criminal case for offence under Sections 147, 148, 294(b), 323, 324, 336, 332 and 506(ii) of IPC r/w Section 3 of PPD Act, r/w Section 34 of IPC. When the case was pending before the committal Court, the petitioner was not present and therefore, non-bailable warrant was issued against the petitioner. In execution of the non bailable warrant, the petitioner was arrested and remanded to judicial custody on 20.12.2023. The bail application that was filed before the Court below in CrI.MP.No.9 of 2024, was also dismissed on 3.1.2024.

3.It is brought to the notice of this Court that the copies have been served on the accused persons and the case has been committed to the file of the Principal District and Sessions Court, Cuddalore. The case is posted for appearance on 18.1.2024.

4. This Court carefully considered the submissions made on either side and the materials available on record.



5.Taking into consideration the facts and circumstances of the case and also considering the fact that the case has already been committed to the file of the Principal Sessions Court and the petitioner has already suffered incarceration from 20.12.2023 onwards, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

- (i) 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 Judicial Magistrate No.I, Cuddalore and on further conditions that:
- (ii) the petitioner shall report before the Principal District and Sessions Court, Cuddalore during every date of hearing without fail.
- (iv) the petitioner shall not abscond during trial.
- (v) the petitioner shall not tamper with evidence or witness during trial.
- (vi) 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 the case of ***P.K.Shaji vs. State of Kerala*** reported in **[(2005) AIR SCW 5560]**.



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(vii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

12.01.2024

KP

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

Note: Issue order copy today



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To

- 1.Chief Judicial Magistrate, Cuddalore.
- 2.Station House Officer
Avinankudi Police Station
Avinankudi, Titakudi Taluk
Cuddalore District-606 112
3. Sub Jail, Cuddalore.
4. Principal District and Sessions Court, Cuddalore.
- 5.The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

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