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Crl.O.P.No.1127 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

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

Crl.O.P.No.1127 of 2024

Robert @ Chain Robert
S/o. Kumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
P3-Vyasarpadi Police Station,
Chennai.
(Crime No.383 of 2017)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in S.C.No.143 of 2020 on the file of
the XVII Additional Sessions Judge, City Civil Court, Chennai in Crime
No.383 of 2017 on the file of the respondent.

For Petitioner : Mr. A. Parthipan

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



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ORDER

The petitioner seeks bail in S.C.No.143 of 2020 now pending trial before the learned XVII Additional Sessions Judge, City Civil Court, Chennai.

2.Originally, Crime No.383 of 2017 had been registered for the offences under Sections 341, 294(b), 353, 326, 307 and 506(ii) of IPC.

3.The petitioner did not attend the Court and Non-Bailable Warrant was issued on 20.11.2020 and the petitioner was secured only on 25.08.2023. For the past three years, the trial could not progress.

4.The learned counsel for the petitioner stated that the petitioner had gone for a job at Puducherry and therefore, he did not attend the Court.

5.But the petitioner was secured on execution of prisoner on transit warrant, which implies that there was an another case registered against him in Crime No.1003 of 2020.

6.The earlier petition seeking bail was dismissed on 28.11.2023 in CrI.O.P.No.26873 of 2023.



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7.The one change in circumstance is that, three witnesses have been examined and the matter is now posted for examination of further witnesses during trial.

8.Taking all the factors into consideration and the fact that the petitioner should be given an opportunity to conduct the trial, this Court is inclined to grant bail to the petitioner.

9. Accordingly, the petitioner is ordered to be released on bail on executing 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 XVII Additional Sessions Judge, City Civil Court, 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 appear before the trial Court on every Monday at 10.30 a.m., till conclusion of trial quite apart from Court hearing dates.

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



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[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.

22.01.2024

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To



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- 1.The XVII Additional Sessions Judge, City Civil Court, Chennai.
- 2.The The Inspector of Police,
P3-Vyasarpadi Police Station,
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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