



Crl.O.P.No.1245 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

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

Crl.O.P.No.1245 of 2024

Vivek S/o. Manikandan

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

(Crime No.348 of 2019)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in C.C.No.9183 of 2019 on the file of the V Metropolitan Magistrate, Egmore, Chennai, on such terms and conditions.

For Petitioner : Mr.R.Muthukumar

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



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ORDER

The petitioner/A2 in C.C.No.9183 of 2019, now pending before the V Metropolitan Magistrate, Egmore, Chennai, seeks bail. Originally, Crime No.348 of 2019 had been registered by the respondent for the offence under Section 394 r/w 34 of IPC.

2.The petitioner had been granted bail but on 05.01.2023, since he did not appear before the Court, a Non-bailable warrant was issued and it was executed on 16.08.2023.

3.It is stated that the matter is now posted for examination of prosecution list witnesses. In order to provide opportunity to the petitioner to defend the case during the course of trial, I am inclined to grant bail to the petitioner subject to the following conditions:

4.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 V Metropolitan Magistrate, Egmore, Chennai, and on further conditions that: -



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[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 completion of trial, apart from the Court hearing dates.

[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.

23.01.2024

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C.V.KARTHIKEYAN. J.



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To



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1. The V Metropolitan Magistrate, Egmore, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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