



Crl.O.P.No.2915 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

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

Crl.O.P.No.2915 of 2024

Kiruba @ Kirubakaran

...petitioner

Vs.

State represented by
The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai.
Crime No.108 of 2022

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.316 of 2022 pending before the XVII Additional Judge, City Civil Court, Chennai.

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

ORDER

The petitioner is arrayed as A1 in S.C.No.316 of 2022 now pending before the XVII Additional Judge, City Civil Court, Chennai.

2.Originally, crime No.108 of 2022 had been registered by the



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respondent Police under Sections 341, 294(b), 307 r/w 34 IPC.

3.Non Bailable Warrant was issued against the petitioner on 07.12.2023 and it was executed only on 23.12.2023.

4.The learned Government Advocate (crl.side) raised objections stating that there are 23 previous cases against him.

5.But considering all that originally bail had been granted.

5.The one further fact is that A2 is now absconding.

6.The learned counsel for the petitioner stated that inspite of best efforts taken, the petitioner is not able to give details about A2.

7.But however, taking the facts of this case independently and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned XVII Additional 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



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may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the XVII Additional Judge, City Civil Court, Chennai, on every Monday, at 10.30 a.m., apart from the court hearing dates, till completion of the trial.

[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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C.V.KARTHIKEYAN. J.

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To

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

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