



Crl.O.P.No.3248 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

Crl.O.P.No.3248 of 2024

Jayapal

...Petitioner

Vs.

State rep by The Inspector of Police,
K8 Arumbakkam Police Station,
Chennai.Crime No.151 of 2019

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending trial on the file of learned XXIII Additional Sessions Judge, Chennai in SC No.174 of 2023 in Crime No.151 of 2019 on the file of the respondent police.

For Petitioner : Mr.N. Selvarajan

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

ORDER

The petitioner in SC No.174 of 2023, now pending before the XXIII Additional Sessions Judge, Chennai, seeks bail for the offences



Crl.O.P.No.3248 of 2024

registered by the respondent police under Sections 399 and 402 of I.P.C in Crime No.151 of 2019.

2.It is stated that a Non-bailable Warrant had been issued against the petitioner herein on 08.09.2023 and he was secured on the same day.

3. It is stated that bail was granted to the petitioner, but due to petitioner's act of absconding from judicial process on 08.09.2023, he was remanded to judicial custody on the same day.

4.Taking all factors into consideration and also the fact that the petitioner should be given an opportunity to defend himself during the trial process I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on his 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 XXIII Additional Sessions Judge, Chennai** and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of



Crl.O.P.No.3248 of 2024

his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the XXIII Additional Sessions Judge, Chennai where S.C.No.174 of 2023 is pending 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.

13.02.2024

smn



Crl.O.P.No.3248 of 2024

WEB COPY

To

1. The XXIII **Additional Sessions, Judge, Chennai**
2. The Central Prison, Puzhal.
3. The Inspector of Police,
K8 Arumbakkam Police Station,
Chennai.Crime No.151 of 2019
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.3248 of 2024

C.V.KARTHIKEYAN. J.

smn

Crl.O.P.No.3248 of 2024

13.02.2024