



Crl.O.P.No.5479 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

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

Crl.O.P.No.5479 of 2024

Sagayam @ Devasagayam

..Petitioner

Vs.

State represented by
The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
(Crime No.25 of 2019).

...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.345 of 2023 pending trial before the XXI Additional Sessions Judge, Chennai.

For Petitioner : Mr.P.Pugalenth

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

ORDER

The petitioner/A1 seeks bail in S.C.No.345 of 2023 now pending trial before the XXI Additional Sessions Judge, Chennai.



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2.Originally, Crime No.25 of 2019 had been registered by the respondent Police for the offences under Sections 341, 302, 506(ii), 147, 148, 120B, 324 and 149 IPC.

3.The petitioner had been remanded to judicial custody on 30.03.2023 on execution of Non Bailable Warrant issued on 28.07.2022.

4.Subsequent to the investigation, final report had been filed and taken cognizance as P.R.C.No.177 of 2019. But however, some of the accused started to abscond including this petitioner and this necessitated splitting of the case as against A6 to A10. In the other case, this petitioner is arrayed as A1. Non Bailable Warrant is still pending against A8. After committal, the matter had been numbered and called as S.C.No.345 of 2023.

5.The learned Government Advocate (crl.side) raised objection stating that there are 31 previous case against the petitioner. He raised a very strong objection stating that there is possibility of the petitioner once again absconding during the course of trial.

6.However, the learned counsel for the petitioner pointed out that the petitioner can be directed to execute bond under Section 88 Cr.P.C for appearance before the Court regularly. This would be in addition to the



bond which should be executed by the petitioner and to produce the sureties as directed.

7.Taking into consideration that even bail had been granted earlier and that the matter is now pending for trial which makes it clear that on the basis of it, which Court has to examine the facts on merits and particularly, taking the period of incarceration into consideration, 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 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 **learned XXI Additional Sessions Judge, 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 report before the learned XXI Additional Sessions Judge, Chennai, everyday at 2.30 p.m., until completion of the trial.

[c] Apart from the sureties, the petitioner must also



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execute a bond under Section 88 of Cr.P.C for appearance before the Court.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

25.03.2024

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To

1.The XXI Additional Sessions Judge, Chennai.

2. The Central Prison II, Puzhal.

3.The Inspector of Police,



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K-8, Arumbakkam Police Station,
Chennai.

4.The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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