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Crl.O.P.No.4904 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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

Crl.O.P.No.4904 of 2024

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... Petitioner

Vs.

State by

The Inspector of Police,
Vellavedu Police Station,
Chennai.(Crime No.23 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail concerned in S.C.No.15 of 2024 pending trial on the file of the learned Assistant Sessions Judge, Poonamallee.

For Petitioner : Mr.R. Parthiban

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

ORDER

The petitioner is an accused in S.C.No.15 of 2024 pending trial on the file of the learned Assistant Sessions Judge, Poonamallee., seeks bail. Originally, Crime No.23 of 2020 had been registered under Sections 341, 294(b), 353, 307, 427, 506(ii) of IPC.



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2. It is stated that NBW has been issued against the petitioner on 26.12.2023 and the petitioner had been secured on 28.12.2023.

3.The learned counsel for the petitioner submitted that the petitioner had appeared before the trial Court on all hearing hearing dates. Unfortunately he was not able to appear on 26.12.2023, due to which NBW was issued against the petitioner on 26.12.2023.

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 sureties (**the existing sureties before the learned Assistant Sessions Judge, Poonamalle may be directed, if they are willing, to extend their sureties till completion of the trial or two fresh sureties**), and two further sureties each for a like sum to the satisfaction of the **learned Assistant Sessions Judge, Poonamalle**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 Assistant



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Sessions Judge, Poonamalle where S.C.No.15 of 2024 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 during trial.

(d) the petitioner shall not tamper with evidence or witness during trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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.

29.02.2024

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To



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1. **The Assistant Sessions Judge, Poonamalle**

2. The Inspector of Police,
Vellavedu Police Station, Chennai.
(Crime No.23 of 2020)

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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