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Crl.O.P.No.5136 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

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

Crl.O.P.No.5136 of 2024

K.Ramachandran

... Petitioner

Vs.

State represented by
Inspector of Police,
Pallavaram Police Station,
Chennai District.

(Crime No.171 of 2009)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in S.C.No.276 of 2009 on the file of
the Additional District and Sessions Judge, Chengalpattu.

For Petitioner : Mr.Ilayaraja Kandasamy

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

ORDER

The petitioner/A4 in S.C.No.276 of 2009, now pending trial before
the Additional District and Sessions Judge, Chengalpattu, seeks bail.
Originally, Crime No.171 of 2009 had been registered for the offences under
Sections 341, 323, 302 of IPC r/w 34 of IPC.



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2.It is stated that a Non-bailable warrant had been issued against the petitioner on 29.07.2016 and it had been executed only on 20.07.2023. Originally, Crime No.171 of 2009 had been registered under Sections 341, 323, 302 of IPC r/w 34 of IPC. Even though the incident had happened nearly about 14 years back, the trial has not yet commenced because one of the prime reason is that this petitioner had absconded from the year 2016 onwards.

3.The earlier application seeking bail in Crl.O.P.No.1158 of 2024 had been dismissed by this Court on 30.01.2024. At that time, it had been observed that Non Bailable Warrant was still pending against A7 and a doubt was expressed whether A7 is still alive or not.

4.But in the counter, necessary information could not be clarified by the respondent.

5.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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**



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Judicial Magistrate, Pallavaram, 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 Judicial Magistrate, Pallavaram, Chennai, on every Monday, apart from the Court hearing dates, till the completion 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.

12.03.2024

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C.V.KARTHIKEYAN,J.



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To

- 1.The Judicial Magistrate, Pallavaram, Chennai.
2. The Inspector of Police,
Pallavaram Police Station,
Chennai District.
- 3.The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.

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