



Crl.O.P.No.9363 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HON'BLE MRS. JUSTICE **T.V.THAMILSELVI**

Crl.O.P.No.9363 of 2024

Kiruba @ Kirubakaran @ Kirubanathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.

(Crime No.47 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.55 of 2023 pending on the
file of the learned XXI Additional Session Judge, Chennai.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.12.2023, pursuant to the non-bailable warrant of arrest issued against
him on 14.12.2023 in S.C.No.55 of 2023 pending on the file of the learned
XXI Additional Sessions Judge, Chennai, for the offence under Sections 341,



Crl.O.P.No.9363 of 2024

294(b), 307, 506(i) r/w 34 IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.55 of 2023, pending on the file of the learned XXI Additional Session Judge, Chennai. He further submitted that the petitioner was regularly appearing before the trial Court, whereas, he was unable to appear before the trial Court on 14.12.2023 and the trial Court has issued a Non Bailable Warrant of arrest against him. Pursuant to which, the respondent had arrested the petitioner on 23.12.2023. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and also undertakes that he will appear before the trial Court on all hearing dates without fail, therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted raised objection stating that since the petitioner, who is an accused facing trial in S.C.No.55 of 2023, pending on the file of the learned XXI Additional Session Judge, Chennai, has failed to appear before the trial Court on 14.12.2023 and thereby, pursuant to the Non-Bailable



Crl.O.P.No.9363 of 2024

Warrant issued against him, he was arrested on 23.12.2023.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the undertaking given by the petitioner and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 sureties** (out of which, one surety shall be the blood related surety), each for a like sum to the satisfaction of the **learned XXI Additional Judge, City Civil Court, Alikulam, 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



Crl.O.P.No.9363 of 2024

Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the trial Court, on every Tuesday at 10.30 a.m., for a period of six months, apart from the Court hearings;

[c] the petitioner after coming out on bail shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

17.04.2024

ham

To

1. The XXI Additional Judge,
City Civil Court, Alikulam, Chennai.



CrI.O.P.No.9363 of 2024

WEB COPY

2. The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.9363 of 2024

T.V.THAMILSELVI, J.

ham

Crl.O.P.No.9363 of 2024

17.04.2024