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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

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

Crl.O.P.No.9810 of 2024

Udaya @ Udayakumar

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
K-10 Koyambedu Police Station,
Chennai.
Crime No. 747 of 2018

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to order enlarge the petitioner on bail in above PRC No. 153 of 2019
on the file of the V Metropolitan Magistrate, Egmore in crime No. 747 of
2018 on the file of the respondent.

For Petitioner : Mr.S.Senthilvel
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested on 19.02.2023 on execution of NBW for the offence punishable under Section 147,148, 294(b), 341, 307 r/w 149 of IPC in PRC No. 153 of 2019 in crime No. 747 of 2018 on the file respondent police.

2. The learned counsel for the petitioner submits that the petitioner was not aware about the committal proceedings and his absence is neither wilful nor wanton. Hence, he prays to grant bail to the petitioner. On the other side, the learned Government Advocate submits that due to his absence the case could not be committed to the Court of sessions.

3. Considering the fact that the petitioner claimed that he was not aware about the committal proceedings but the investigation is completed. Hence, this Court is inclined to grant bail to the petitioner.

4. 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 (one must be a blood surety)**, each for a like sum



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to the satisfaction of the **learned V Metropolitan Magistrate, Egmore**, 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 Trial Court on every Tuesday and Thursday at 10.30 a.m. and also for every hearing.

[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**



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5560];

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

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T.V.THAMILSELVI,J.

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To

1. The **V Metropolitan Magistrate, Egmore**
2. The Inspector of Police,
K-10 Koyambedu Police Station,
Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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