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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

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

CrI.O.P.No.10178 of 2024

Sarath @ Vellai Sarath

... Petitioner

Vs.

State Rep by.
The Inspector of Police, L&O,
N-1, Royapuram Police Station,
Chennai - 13.
Crime No. 59 of 2022.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge him on bail in S.C No. 283 of 2022 on the file of the
Hon'ble V Additional Session Court, at Chennai in crime No. 59 of 2022 on
the file of the respondent police.

For Petitioner : Mr. P.Syed Abdul Mashood
For Respondent : Mr.V. Meganathan
Government Advocate (CrI. side)



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ORDER

The petitioner, who was arrested on **20.02.2024** on execution of NBW for the alleged offences punishable under Sections **294(B), 341, 323, 325, 326, 307, 506(ii) r/w 34 of IPC in crime No. 59 of 2022** on the file of the respondent police.

2. The learned counsel for the petitioner submits that due to health issue the petitioner was not appeared before the Trial Court in connection with S.C No. 283 of 2022. Hence, he prays to allow this petition. on the other side, the learned Government Advocate (Crl.side) submits that in order to drag on the proceedings, the petitioner has not engaged the counsel to conduct the Trial.

3. Considering the fact that the petitioner was not appeared before the trial Court due to his illness. Hence, this Court is inclined to grant bail to the petitioner.



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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 to the satisfaction of the **learned XVI Metropolitan Magistrate George Town, 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 respondent police on alternative days at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation. Further, the petitioner is directed to engage the counsel to conduct the Trial proceedings and shall cooperate for the Trial, if he fails the bail will be cancelled.

[c] the petitioner shall not abscond either during



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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 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 **XVI Metropolitan Magistrate George Town, Chennai.**

2.The Inspector of Police, L&O,
N-1, Royapuram Police Station,
Chennai - 13.

3. The Puzhal prison.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.10178 of 2024

25.04.2024