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Crl.O.P.No.12970 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2024

CORAM

THE HON'BLE MR. JUSTICE S. SOUNTHAR

Crl.O.P.No.12970 of 2024

Sadam Hussian @ Mohammed Yasin

...petitioner

Vs.

State represented by
The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Thirupathur District.
(Crime No.110 of 2021)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.110 of 2021 on the file of the respondent Police.

For petitioner : Mr.G.Vinodhkumar

For Respondent : Ms.Shahana Fathima
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.04.2024, pursuant to P.T warrant issued against him on



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23.04.2024 in Crime No.110 of 2021 on the file of the respondent Police, for the offence under Sections 294(b), 307 r/w 34 IPC, seeks bail.

2.Learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.110 of 2021. He further submitted that the petitioner was originally remanded in this case on 18.04.2021 and subsequently he was released on bail. Since the petitioner was arrested in some other case, he was unable to appear before the learned Judicial Magistrate, Vaniyambadi, thereby, the learned Magistrate has issued Non Bailable Warrant against him. Pursuant to which, the respondent had arrested the petitioner in this case on 23.04.2024 under PT warrant. 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 learned Magistrate, therefore, he prays for grant of bail to the petitioner.

3.Learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that since the petitioner, who is an accused in Crime No.110 of 2021, on the file of the respondent Police, has failed to appear before the learned Judicial Magistrate, Vaniyambadi



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in P.R.C.No.63 of 2021 and thereby, pursuant to the Non-Bailable Warrant issued by the learned Magistrate, the petitioner was arrested on 23.04.2024 under PT warrant.

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 also taking note of the undertaking given 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 executing 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 Judicial Magistrate, Vaniyambadi 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 appear before the trial Court, on every Monday at 10.30 a.m., apart from the Court hearing dates, until further orders;



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[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 either during investigation or trial.

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

30.05.2024

vkr



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To

1. The Judicial Magistrate, Vaniyambadi.
2. The Central Prison, Vellore.
3. The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Thirupathur District.
4. The Public Prosecutor, High Court of Madras.



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S. SOUNTHAR, J.

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