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CrI.O.P.No.19430 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.19430 of 2024

Sakthivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-7, ICF Police Station,
Chennai District.
Crime No.141 of 2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail in SC.No.272 of 2022 on the file of
the V Additional District Judge and Sessions Judge at Chennai.

For Petitioner : M/s.Sengodi for
Mr.S.Dhilipan

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)

ORDER

The petitioner seeks bail in S.C.No.272 of 2022 in Crime No.141
of 2021 pending on the file of V Additional District Judge and Sessions



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Judge at Chennai, for the offences under Sections 302 r/w 34 IPC. The petitioner has been remanded to judicial custody on 01.12.2023 on execution of NBW issued against him on 21.08.2023.

2.Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.272 of 2022 on the file of V Additional District Judge and Sessions Judge, Chennai. He further submitted that since the petitioner was unable to appear before the trial Court, he was issued with the non-bailable warrant on 21.08.2023, and pursuant to the same, he was arrested on 01.12.2023. He also submitted that the petitioner will undertake that hereafter he will regularly appear before the trial court on all hearing dates and also stated that he is prepared to comply with any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, facing trial in S.C.No.272 of 2022 on the file of V Additional District Judge and Sessions Judge, Chennai has failed to appear before the trial Court and therefore, the trial Court has



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issued a NBW against the petitioner on 21.08.2023, and pursuant to which NBW issued against the petitioner, he was arrested and remanded to judicial custody on 01.12.2023. Hence, he oppose for grant of bail to the petitioner.

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

5. Considering the fact that bail was already granted to the petitioner and thereafter NBW was issued and thereafter, the same has been executed and considering the period of incarceration undergone by the petitioner and also considering the fact that after completion of investigation, final report has also been filed and now the case is posted for framing of charges and also considering the undertaking given by the petitioner that he is ready to co-operate for speedy disposal of the trial, 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)**



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with two sureties, each for a like sum to the satisfaction of the V Additional District Judge and Sessions Judge, Chennai, and on further conditions that :-

[a] the petitioner shall report before the Trial Court, everyday at 10.30 a.m., until further orders, without fail.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 269 BNS.

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To

- 1.The V Additional District Judge and
Sessions Judge, Chennai.
- 2.The Inspector of Police,
K-7, ICF Police Station,
Chennai District.
- 3.The Superintendent,
Central Prison-II, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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