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Crl.O.P.No.15869 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

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

Crl.O.P.No.15869 of 2024

Magesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-6, TP Chathiram Police Station,
Chennai.
(Crime No.833 of 2006)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in C.C.No.7398 of 2006 pending on
the file of the learned V Metropolitan Magistrate, Egmore, Chennai, in Crime
No.833 of 2006 on the file of the respondent.

For Petitioner : Mr.M.Madhan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 21.05.2024, pursuant to the non-bailable warrant of arrest issued against



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him on 23.03.2021, in C.C.No.7398 of 2006 pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, in connection with Crime No.833 of 2006 registered for the offences under Sections 341, 294(b), 506(ii) r/w 34 of IPC @ Sections 341, 294(b), 326, 506(ii) r/w 34 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner/A4 is facing trial in C.C.No.7398 of 2006, pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai. He further submitted that due to the kidney issues and diabetics, the petitioner went to Kerala to undergone Ayurveda treatment, thereby, he was unable to appear before the trial Court on 23.03.2021 and hence, the trial Court has issued a Non Bailable Warrant of arrest against him. Pursuant to which, the respondent had arrested the petitioner on 21.05.2024. 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 prayed for granting bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner/A4, who is facing trial in C.C.No.7398 of 2006, pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai, has failed to appear before the trial Court on 23.03.2021, and thereby, pursuant to the Non-Bailable Warrant of arrest issued by the trial Court, he was arrested on 21.05.2024. Hence, he opposed for granting bail to the petitioner.

4. 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, this Court is inclined to grant bail to the petitioner with certain conditions.

5. 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 **V Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:



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[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 all hearing dates, without fail. Further, apart from the Court hearing dates, the petitioner shall also appear before the trial Court on every Tuesday at 10.30 a.m., until completion of trial;

[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]***;



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

05.07.2024

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai
2. The Inspector of Police,
K-6, TP Chathiram Police Station,
Chennai.
3. The Central Prison,
Puzhal - II.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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