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Crl.O.P.No.16715 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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

Crl.O.P.No.16715 of 2024

Kadhar @ Sheik Kadhar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
(Crime No.384 of 2011)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, pleased to enlarge the petitioner on bail in C.C.No.1600 of 2024 pending on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.A.Saranraj

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

ORDER

The petitioner/A4, who was arrested and remanded to judicial custody on 27.03.2024, pursuant to the Non-Bailable Warrant of arrest



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issued against him on 02.11.2022 by the learned Chief Judicial Magistrate, Kumbakonam in C.C.No.11 of 2022, which was later transferred and renumbered as C.C.No.1600 of 2024 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, in connection with Crime No.384 of 2011 registered for the offences under Sections 457 & 380 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that initially, the petitioner was facing trial in C.C.No.11 of 2022, on the file of the learned Chief Judicial Magistrate, Kumbakonam and since, he failed to appear before the trial Court, he was issued with a Non-bailable warrant on 02.11.2022. Later, the case was transferred to the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, and renumbered as C.C.No.1600 of 2024. He further submitted that the petitioner is in custody from 27.03.2024 and he also undertakes that he will appear before the trial Court on all hearing dates without fail. Hence, he prayed for bail.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted raised objection stating that, since the petitioner (A4)



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has failed to appear before the trial Court on 02.11.2022, the trial Court has issued a Non-Bailable Warrant against him and pursuant to the same, he was arrested on 27.03.2024. He further submitted that against the petitioner, 6 previous cases are pending, therefore, if he is released on bail, there is a possibility of him absconding and not available for trial proceedings.

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 and also considering the period of incarceration undergone 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)**, for a like sum to the satisfaction of the learned **Chief Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner, apart from the Court hearing dates, shall appear before the trial Court, every Tuesday at 10.30 a.m., for a period of four months, failing which, the bail shall be cancelled automatically;

[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]***;

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

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To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai,
2. The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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