



Crl.O.P.No.16895 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

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

Crl.O.P.No.16895 of 2024

Nataraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-4, Maduravayal Police Station,
Chennai - 600 095.
(Crime No.283 of 2013)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, pleaded to enlarge the petitioner on bail in P.R.C.No.31 of 2016 pending on the file of the learned Judicial Magistrate No.II, Poonamallee, in Crime No.283 of 2013 on the file of the respondent.

For Petitioner : Mr.C.Raja

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

ORDER

The petitioner/A4, who was arrested and remanded to judicial custody on 09.05.2024, pursuant to the Non-Bailable Warrant of arrest issued against him on 11.11.2021 in P.R.C.No.31 of 2016 pending on the file



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of the learned Judicial Magistrate No.II, Poonamallee, in connection with Crime No.283 of 2013 registered for the offences under Sections 147, 148, 341, 307 & 149 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that this is the second application for bail filed by the petitioner and his earlier bail application was dismissed by this Court in Crl.O.P.No.14797 of 2024 vide order dated 25.06.2024. He further submitted that the petitioner is an accused facing trial in P.R.C.No.31 of 2016, pending on the file of the learned Judicial Magistrate No.II, Poonamallee. He further submitted that since the respondent wantonly mentioned in the charge sheet that, the accused was absconded, summons were not served on him, therefore, he was failed to appear before the trial Court and he was not aware of the non-bailable warrant of arrest issued against him. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and the petitioner 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



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respondent submitted raised objection stating that since the petitioner, who is arrayed as A4 in this case, failed to appear before the trial Court, a non-bailable warrant was issued against him on 11.11.2021 and pursuant to which, he was secured only on 09.05.2024 and he was having five previous cases, therefore, if he is released on bail, there is a possibility of him absconding again and will not be 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 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)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Poonamallee**, 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, apart from the Court hearing dates, shall appear before the trial Court, every Tuesday at 10.30 a.m., until completion of trial, 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]*;



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

18.07.2024

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To

1. The Judicial Magistrate No.II, Poonamallee .
2. The Inspector of Police,
T-4, Maduravayal Police Station,
Chennai 600 095.
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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