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Crl.O.P.No.16818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

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

Crl.O.P.No.16818 of 2024

Rajesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai.
(Crime No.635 of 2012)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, pleased to enlarge the petitioner on bail in S.C.No.469 of 2023 pending on the file of the learned V Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 10.05.2024, pursuant to the Non-Bailable Warrant of arrest issued against him on 15.03.2024 in S.C.No.469 of 2023 pending on the file of the learned V Additional Judge, City Civil Court, Chennai, in connection with



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Crime No.635 of 2012 registered for the offences under Section 399 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.469 of 2023, pending on the file of the learned V Additional Judge, City Civil Court, Chennai. He further submitted that the petitioner was regularly appearing before the trial Court and only due to his health issues and the communication gap between the petitioner and his counsel, he was unable to appear before the trial Court on 15.03.2024. He further submitted that the petitioner is in custody from 10.05.2024 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 respondent submitted raised objection stating that since the petitioner (A2), who is facing trial in S.C.No.469 of 2023, pending on the file of the learned V Additional Judge, City Civil Court, Chennai, has failed to appear before the trial Court on 15.03.2024, the trial Court has issued a Non-Bailable Warrant against him and pursuant to the same, he was arrested on



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10.05.2024. He further submitted that there is no previous case against the petitioner, however, he opposed for grant of 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 and also considering the conduct of 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 Additional Judge, City Civil Court, Chennai**, 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, apart from the Court hearing dates, shall appear before the trial Court,



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every Tuesday at 10.30 a.m., for a period of three months;

[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.

16.07.2024

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To

1. The V Additional Judge,
City Civil Court,
Chennai.
2. The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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