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CrI.O.P.No.19251 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

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

CrI.O.P.No.19251 of 2024

Manikandan @ Tempo Mani

...Petitioner/Accused

Vs.

The Inspector of Police,  
K-2, Ayyanavaram Police Station,  
Chennai District.  
(Crime No.413 of 2022)  
(S.C.No.76 of 2023)

...Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 439 of the Cr.P.C, 1973, praying to enlarge the petitioner on bail in S.C.No.76 of 2023 pending before the VII Additional Sessions Judge, City Civil Court, Chennai in connection with Crime No.413 of 2022 on the file of the respondent police.

For Petitioner : M/s.P.Muthamizhselvakumar

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

**ORDER**



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The petitioner seeks bail in S.C.No.76 of 2023 in Crime No.413 of 2022 on the file of the learned VII Additional Sessions Judge, City Civil Court, Chennai, for the offences under Sections 120 (b) r/w 302, 147, 148, 465, and 471 r/w 149 of the IPC. The petitioner has been remanded to judicial custody on 31.10.2023 on execution of the NBW issued against him on 28.06.2023.

2.The case of the prosecution is that, due to the non-appearance of the petitioner before the trial court, an Non Bailable Warrant was issued against the petitioner on 28.06.2023 and the same was executed on 31.10.2023. Hence, the case.

3. Learned counsel for the petitioner submitted that the NBW was issued on 28.06.2023 and the same was executed on 31.10.2023; that the petitioner has been in custody since 31.10.2023; that the petitioner is arrayed as A3. He further submitted that the case is now pending in S.C.No.76 of 2023 and it was posted for the examination of witnesses. He further submitted that he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the



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petitioner.

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4. Learned Government Advocate (Crl.Side) for the respondent opposed granting bail to the petitioner by stating that the petitioner had absconded and not appeared before the trial Court. He further submitted that the petitioner is arrayed as A3 and that an NBW was issued against the petitioner on 28.06.2023 and the same was executed on 31.10.2023.

5. Heard both sides and perused the materials available on record.

6. Considering that already bail was granted to the petitioner and thereafter, due to his absence, an NBW was issued and the same has been executed, considering that now the case has been committed and pending as Sessions Case No.76 of 2023 and the same was posted for examination of witnesses, and also taking into consideration the period of the incarceration, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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, each for a like sum to the satisfaction of the



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learned *VII Additional Sessions Judge, City Civil Court, Chennai*, and

on further conditions that:

- [a] the petitioner shall report before the trial Court on every working day at 10.30 a.m., until further orders.**
- [b] the petitioner shall not abscond either during investigation or trial;
- [c] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [d] 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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

**20.08.2024**

*dk*

To

- 1.The VII Additional Sessions Judge,  
City Civil Court, Chennai.
- 2.The Superintendent of Central Prison,  
Puzhal.



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3.The Inspector of Police,  
K-2, Ayyanavaram Police Station,  
Chennai District.

4.The Public Prosecutor,  
High Court of Madras.

**P.DHANABAL, J.**

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