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Crl.O.P.No.18992 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.18992 of 2024

Akash @ Inba Kumar

...Petitioner/Accused -1

Vs.

State rep by,
The Inspector of Police,
K-9, Thiru Vika Nagar Police Station,
Chennai District.
Crime No.978/2020

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha – 2023, praying to enlarge the petitioner on bail in C.C.No.2995 of 2021 in Crime No.978 of 2020 on the file of V Metropolitan Magistrate Court, Egmore.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.S.Santhosh

Government Advocate (Crl. Side)



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ORDER

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The petitioner seeks bail in C.C.No.2295 of 2021 in Crime No.978 of 2020 on the file of the V Metropolitan Magistrate Court, Egmore, for the offence under Section 379 of the IPC. The petitioner has been remanded to judicial custody on 30.05.2024 on execution of Non Bailable Warrant (hereinafter referred to as NBW) issued against him on 01.09.2024.

2. Heard Both sides

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that, due to the health issues of the petitioner, he could not appear before the Trial Court, as a result of his non-appearance, NBW was issued. He further submitted that the petitioner has been in custody for more than 90 days. Hence, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate submitted that trial not yet commenced in C.C.No.2295 of 2021 and it is posted for framing of charges on 27.08.2024.

Hence, he vehemently objected to granting bail to the petitioner.

5. Considering the fact that bail was already granted to the petitioner and thereafter NBW was issued and immediately, the same has been executed, and considering the nature of offence and period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner with certain conditions:

6. 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 **V Metropolitan Magistrate Court, Egmore** and on further conditions that :-

[a]the petitioner shall report before the Trial Court everyday at 10.30 a.m.,until further orders;

[b] the petitioner shall not abscond either during investigation or trial;



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[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 229A IPC.

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To

1.The X Metropolitan Magistrate Court,
Egmore.

2.The Superintendent of Prisons,
Central Prison, Puzhal

3.The Inspector of Police,
K-9, Thiru Vika Nagar Police Station,
Chennai District.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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