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Crl.O.P.No.19814 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

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

Crl.O.P.No.19814 of 2024

Charles @ Karadi Charles

...Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
K-8, Arumbakkam Police Station,  
Chennai.

...Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 439 of the Cr.P.C., praying to enlarge the petitioner on bail in C.C.No.5179 of 2020 pending before the V Metropolitan Magistrate, Egmore, Chennai in connection with Crime No.988 of 2020 on the file of the respondent police.

For Petitioner : M/s.R.Muthukumar

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

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**ORDER**



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The petitioner seeks bail in C.C.No.5179 of 2020 in Crime No.988 of 2020 on the file of the learned V Metropolitan Magistrate Court, Egmore, Chennai, for the offence under Section 392 of the IPC. The petitioner has been remanded to judicial custody on 18.03.2024 on execution of the NBW issued against him on 24.03.2021.

2.The case of the prosecution is that the petitioner has waylaid the defacto complainant, abused him with filthy language, robbed a sum of Rs.500/- and snatched a silver ring at knife point from the defacto complainant. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case. He further submitted that the petitioner had regularly appeared before the trial Court until 2022; his father was a tuberculosis patient, and he went to his native place to take care of his father. During 2022, his father died, due to which he could not appear before the Trial court. As a result of his non-appearance, a Non-Bailable Warrant was issued against the petitioner. He further submitted that he is ready to furnish substantial



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sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

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 case is in the trial stage and that it has been posted for the examination of witnesses.

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, NBW was issued by the trial Court and the same has been executed, that the investigation has been completed and now the case is posted for examination of witnesses, and also taking into consideration the period of incarceration undergone by the petitioner, 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



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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 learned *V Metropolitan Magistrate, Egmore, 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 V Metropolitan Magistrate,  
Egmore, Chennai.



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2.The Superintendent of Central Prison,  
Puzhal,  
Chennai.

3.The Inspector of Police,  
K-8, Arumbakkam Police Station,  
Chennai.

4.The Public Prosecutor,  
High Court of Madras.

**P.DHANABAL, J.**

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