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Crl.O.P.No.20079 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.20079 of 2024

Gowtham

...Petitioner/Accused - 5

Vs.

The State represented by its
The Inspector of Police,
H4 Korukkupet Police Station,
Chennai – 600 021.
(Crime No.176 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of the BNSS, 2023 praying to enlarge the petitioner on bail in S.C.No.402 of 2023 pending before the XIX Additional Sessions Judge, City Civil Court, Chennai in connection with Crime No.176 of 2022 on the file of the respondent police.

For Petitioner : M/s.K.Mohan Raj

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



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ORDER

The petitioner seeks bail in S.C.No.402 of 2023 in Crime No.176 of 2022 on the file of the learned XIX Additional Sessions Judge, City Civil Court, Chennai, for the offence under Section 399 of the IPC. The petitioner has been remanded to judicial custody on 30.07.2024 on execution of the NBW issued against him on 06.07.2024.

2.The case of the prosecution is that the petitioner and his associates were found in illegal possession of knives, when the respondent police were in search at the backside of the Kamarajar colony. 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 charge sheet was filed in this case and pending before the XIX Additional Sessions Judge, City Civil Court, Chennai in S.C.No.402 of 2023; that the petitioner had regularly appeared before the concerned court, due to the illness of the petitioner, he could not appear before the Trial Court on 06.07.2024; as a result of his non-



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appearance, a Non-Bailable Warrant was issued against the petitioner. 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 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 there are five accused in this case, the petitioner is arrayed as A5; that NBW was issued against the petitioner on 06.07.2024 and the same was executed on 30.07.2024.

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 and the same has been executed, considering that now the case has been posted for appearance of the parties before the Sessions Court and also taking into consideration the period of the incarceration, this Court is inclined to grant bail to the



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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 learned *XIX 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.



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To

- 1.The XIX Additional Sessions Judge,
City Civil Court, Chennai.
- 2.The Superintendent of Central Prison,
Puzhal – II,
Chennai.
- 3.The Inspector of Police,
H4 Korukkupet Police Station,
Chennai – 600 021.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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