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CrI.O.P.No.20863 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

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

CrI.O.P.No.20863 of 2024

Vinoth @ Aali Vinoth

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
E1 Mylapore Police Station,  
Chennai.  
Crime No.479 of 2014.

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of B.N.S.S.,  
pleaded to enlarge the petitioner on bail pending trial, in S.C.No.6 of 2016  
pending trial on the file of the learned XVI Additional Sessions Court,  
Chennai, in connection with Crime No.479 of 2014 on the file of the  
respondent police.

For Petitioner : Mr.M.Rajavelu

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



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CrI.O.P.No.20863 of 2024

## **ORDER**

The petitioner seeks bail in S.C.No.6 of 2016 in Crime No.479 of 2014 pending on the file of XVI Additional Sessions Judge, Chennai, for the offence punishable under Sections 341, 302, 307 r/w 120(B) and 34 of IPC. The petitioner has been surrendered and remanded to judicial custody on 09.08.2024 on execution of NBW issued against him on 21.07.2022.

2.Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.6 of 2016 on the file of XVI Additional Sessions Judge, Chennai. He further submitted that since the petitioner was unable to appear before the trial Court, he was issued with the non-bailable warrant on 21.07.2022. Pursuant to the same, the petitioner himself surrendered before the trial court on 09.08.2024 and the trial court remanded him to judicial custody on the same day. He also submitted that the petitioner will undertake that hereafter he will regularly appear before the trial court on all hearing dates and also stated that he is prepared to comply with any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.



Crl.O.P.No.20863 of 2024

WEB COPY

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is arrayed as A6 in this case, has failed to appear before the trial court and therefore, the Court has issued a NBW against him on 21.07.2022 and pursuant to which, he was arrested on 09.08.2024. He further submitted that the non-bailable warrant has been pending against the petitioner for about 2 years, since for some of the accused NBW was pending. Hence, he oppose for grant of bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

5. Considering the fact that bail was already granted to the petitioner and due to his non-appearance NBW was issued and thereafter, the petitioner himself surrendered before the trial court and the trial court also remanded the petitioner and considering the period of incarceration undergone by the petitioner and also considering the fact that after completion of investigation, final report has also been filed and also considering the undertaking given by the petitioner that he is ready to co-



Crl.O.P.No.20863 of 2024

operate for speedy disposal of the trial, this Court is 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 XVI Additional Sessions Court, Chennai and on further conditions that :-

[a] the petitioner shall report before the Trial Court, on all working days at 10.30 a.m., until further orders, without fail.

[b] the petitioner shall not commit any offences of similar nature.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Judicial 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].



Crl.O.P.No.20863 of 2024

WEB COPY

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

**28.08.2024**

drl

To

- 1.The XVI Additional Sessions Court,  
Chennai.
- 2.The Inspector of Police,  
E1 Mylapore Police Station,  
Chennai.
- 3.The Superintendent,  
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,  
High Court of Madras.

**P.DHANABAL, J.**

drl



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Crl.O.P.No.20863 of 2024

**Crl.O.P.No.20863 of 2024**

**28.08.2024**