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Crl.O.P.No.21179 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

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

Crl.O.P.No.21179 of 2024

Mana @ Manavalan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-7, I.C.F. Police Station,
Chennai.
(Crime No. 340 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail in S.C.No.296 of 2021 on the file of
XVI Additional Sessions Court, Chennai, in Crime No.340 of 2018 on the
file of the respondent police.

For Petitioner : Mr.R.Muthukumar

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

ORDER

The petitioner seeks bail in S.C.No.296 of 2021 in Crime No. 340
of 2018 pending on the file of XVI Additional Sessions Court, Chennai, for



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the offence punishable under Sections 341, 294(b), 336, 392, 397 and 506(ii) of IPC. The petitioner has been surrendered and remanded to judicial custody on 15.07.2024 on execution of NBW issued against him on 29.09.2023.

2. The case of the prosecution is that on 11.12.2018, the petitioner along with other accused persons went to the defacto complainant's shop and robbed a sum of Rs.560/- from him at knife point. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner is an accused facing trial in S.C.No.296 of 2021 on the file of XVI Additional Sessions Court, 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 29.09.2023 and pursuant to the same, he was arrested on 15.07.2024. He also submitted that the petitioner will undertake that hereafter he will regularly appear before the trial court on all hearing dates. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused persons went to the defacto complainant's shop and robbed a sum of Rs.560/- from him at knife point. He further submit that the petitioner, A1 in this case, facing trial in S.C.No.296 of 2021 on the file of XVI Additional Sessions Court, Chennai. has failed to appear before the trial Court and therefore, the trial Court has issued a NBW against the petitioner on 29.09.2023, and pursuant to which, he was arrested and remanded to judicial custody on 15.07.2024. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the submission made by the learned counsel on either side and considering the fact that bail was already granted to the petitioner and due to his non-appearance NBW was issued and thereafter, the same has been executed, and considering the period of incarceration undergone by the petitioner, nature of offence and considering the fact that the main case is posted for trial and also considering the undertaking given by



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the petitioner that he is ready to co-operate for speedy disposal of the trial, this Court is inclined to grant bail to the petitioner with certain conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 concerned learned **XVI Additional Sessions Judge, Chennai**, and on further conditions that:

[b] the petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders.

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

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

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

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

04.09.2024

drl

To

- 1.The XVI Additional Sessions Judge,
Chennai.
- 2.The Inspector of Police,
K-7, I.C.F. 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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