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CrI.O.P.No.21481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

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

CrI.O.P.No.21481 of 2024

Gunalan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Perambur Railway Police Station,
Chennai.
(Crime No. 108 of 2023).

... 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.249 of 2024 in Crime
No.108 of 2023 on the file of XVIII Additional District and Sessions Judge,
Chennai.

For Petitioner : Mr.M.Kabilan

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

ORDER

The petitioner seeks bail in S.C.No.249 of 2024 in Crime No.108
of 2023 pending on the file of XVIII Additional District and Sessions Judge,



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Chennai for the offence punishable under Section 395 of IPC. The petitioner has been surrendered and remanded to judicial custody on 19.06.2024 on execution of NBW issued against him on 28.02.2024.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.249 of 2024 on the file of XVIII Additional District and 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 28.02.2024 and pursuant to the same, he was arrested on 19.06.2024. 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.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, A2 in this case, facing trial in S.C.No.249 of 2024 on the file of XVIII Additional District and Sessions Judge, Chennai, has failed to appear before the trial Court and therefore, the



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trial Court has issued a NBW against the petitioner on 28.02.2024, and pursuant to which, he was arrested and remanded to judicial custody on 19.06.2024. He further submitted that the trial has been commenced and now the case is posted for examination of witnesses. 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 same has been executed, and considering the period of incarceration undergone by the petitioner and considering the fact that the case is pending for committal and also considering the undertaking given by 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:

6. 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 XVIII Additional District and Sessions Judge, 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].

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



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Section 269 BNS.

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To

- 1.The XVIII Additional District and Sessions Judge,
Chennai.
- 2.The Inspector of Police,
Perambur Railway Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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