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CrI.O.P.No.21907 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

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

CrI.O.P.No.21907 of 2024

1. M. Saravanan

2. Mr.Ajith Kumar

3.J. Manikandan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai
(Crime No. 954 of 2017).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail pending trial in C.C.No.7741 of 2017 on the file of the XIII Metropolitan Magistrate Egmore, Chennai.

For Petitioner : Mr.D. Ashok Kumar

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



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ORDER

The petitioners seeks bail in C.C.No.7741 of 2017 pending on the file of the XIII Metropolitan Magistrate Egmore, Chennai, for the offences under Sections 147,341,294(b),323,324,326 and 506(ii) r/w 34 of I.P.C in Cr.No.954 of 2017. NBW was issued against A1/first petitioner on 13.07.2022, A4/second petitioner on 22.11.2023 and 3rd petitioner/ A5 on 12.10.2022. The petitioners have been remanded to judicial custody on 26.08.2024 on execution of NBW issued against them.

2.Learned counsel for the petitioners submitted that the petitioners are facing trial in C.C.No.7741 of 2017 pending on the file of the XIII Metropolitan Magistrate Egmore, Chennai. He further submitted that since the petitioners were unable to appear before the trial Court, they were issued with the non-bailable warrant and pursuant to the same, they were arrested on 26.08.2024. He also submitted that the petitioners will undertake that hereafter they will regularly appear before the trial court on all hearing dates and also stated that they are prepared to comply with any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to



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the petitioners.

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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioners are facing trial in C.C.No.7741 of 2017 pending on the file of the XIII Metropolitan Magistrate Egmore, Chennai, have failed to appear before the trial Court and therefore, the trial Court has issued a NBW against them, and pursuant to which NBW issued against the petitioner, he was arrested and remanded to judicial custody on 26.08.2024 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 petitioners and thereafter NBW was issued and immediately, the same has been executed and considering the fact that after completion of investigation, final report has also been filed and now the case is posted for examination of witnesses and also considering the undertaking given by the petitioners that



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

7. Accordingly, the petitioners are 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 XIII Metropolitan Magistrate, Egmore and on further conditions that :-

[a] the petitioners shall report before the Trial Court, everyday at 10.30 a.m., until further orders, without fail.

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

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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



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Kerala [(2005)AIR SCW 5560].

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

06.09.2024

smn

To

- 1.The XIII Metropolitan Magistrate, Egmore .
- 2.The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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