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Crl.O.P.No.23012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

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

Crl.O.P.No.23012 of 2024

Sarath @ Sarath Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D-3, Ice House Police Station,
Chennai.
(Crime No. 408 of 2021).

... 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.379 of 2021
on the file of learned XV Additional Sessions Judge, Chennai connected with
Crime No.408 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

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

ORDER

The petitioner seeks bail in S.C.No.379 of 2021 on the file of
learned XV Additional Sessions Judge, Chennai in connection with Crime



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No.408 of 2021 for the offences punishable under Sections 147, 148, 341, 302, 506(ii), 120(b) r/w 149 of IPC. The petitioner has been remanded to custody on 19.08.2024 on execution of NBW issued against him on 08.06.2022.

2.It is a case of jumped bail. The petitioner is an accused in S.C. No.379 of 2021 on the file of learned XV Additional Sessions Judge, Chennai. The petitioner was already granted bail, however, due to non appearance before the Court, Non Bailable Warrant has been issued against him and the same was executed on 19.08.2024.

3.Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner was unable to appear before the Trial Court, due to viral fever, as a result of non appearance, NBW was issued on 08.06.2022. He further submitted that the petitioner has been in custody from 19.08.2024. Hence, he prays for grant of bail to the petitioner.



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4.Learned Government Advocate (Crl. Side) for the respondent submitted that the petitioner was already granted bail and due to non appearance, NBW was issued against the petitioner on 08.06.2022 and he was secured only on 19.08.2024. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering that the petitioner was already granted bail and thereafter, due to his non appearance before the Trial Court, NBW was issued and the same has been executed, and considering the number of days of incarceration undergone by the petitioner and the charges were also framed, and also considering all other factors, this Court is inclined to grant bail to the petitioner subject to the following 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 XV Additional Sessions Judge, Chennai, and on further conditions that;



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

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond 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 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]; and

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

19.09.2024

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To

- 1.The XV Additional Sessions Judge,
Chennai.
- 2.The Inspector of Police,
D-3, Ice House Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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