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Crl.O.P.No.23735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23735 of 2024

1. P. Vijayakumar

2. Senthil @ Senthil Kumar

...petitioners/Accused – A2 and A3

Vs.

State rep by
The Inspector of Police,
V. 5Thirumangalam Police Station,
Chennai

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail pending trial PRC No.214 of 2019 on the file of learned XIII Metropolitan Magistrate, Chennai Court and pass orders.

For Petitioners : Mr.A. Nirmal Kumar Sharma
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER



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The petitioners seek bail in PRC No.214 of 2019 on the file of the learned XIII Metropolitan Magistrate, Chennai, for the offence under Sections 392, 397, and 506(2) of I.P.C. in PRC No. 214 of 2019. The petitioners have been remanded to custody on 11.08.2024 on execution of NBW.

2. It is a case of jumped bail. The petitioners were arrayed as accused in P.R.C.No.214 of 2019 on the file of the learned XIII Metropolitan Magistrate, Chennai. The petitioners were already granted bail; however, due to their non-appearance before the court, a non-bailable warrant has been issued against them, and the same was executed on 11.08.2024.

3.Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that due to their ill health, the petitioners were unable to appear before the trial court; as a result of their non-appearance, NBW was issued. He further submitted that the petitioners had been in custody since 11.08.2024. Hence, he prays for the grant of bail to the



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petitioners.

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4.Learned Government Advocate (Crl. Side) for the respondent submitted that the petitioners were already granted bail and due to non-appearance, NBW was issued against the petitioners, and they were secured only on 11.08.2024. He further submitted that the case is now posted for committal. However, he vehemently opposed to granting bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering that already the petitioners were released on bail and thereafter, due to their non-appearance, the trial Court issued NBW and the same was executed, and considering the number of days of incarceration undergone by the petitioners and now the case is posted for committal, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the



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learned *XIII Metropolitan Magistrate, Chennai*, and on further conditions that:

[a] the petitioners shall report before the Jurisdictional Magistrate, on all working days at 10.30 a.m. until further orders;

[b] the petitioners shall attend in accordance with the conditions of the bond;

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

[d] the petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioners 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 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



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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 of the B.N.S.

26.09.2024

dk

To

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

P.DHANABAL, J.

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