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Crl.O.P.No.23749 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.23749 of 2024

P. Vijayakumar

...Petitioner/Accused- 2

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 petitioner on bail pending trial PRC No.213 of 2019 on the file of learned XIII Metropolitan Magistrate, Chennai Court and pass orders.

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



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ORDER

The petitioner seeks bail in PRC No.213 of 2019 on the file of learned XIII Metropolitan Magistrate, Chennai Court for the offence under Sections 393, 394 r/w 397 of I.P.C, in P.R.C.No.213 of 2019. The petitioner has been remanded to custody on 11.08.2024 on execution of NBW.

2. It is a case of jumped bail. The petitioner was arrayed as an accused in P.R.C.No.213 of 2019 on the file of the learned XIII Metropolitan Magistrate, Chennai. The petitioner was already granted bail; however, due to his non-appearance before the court, a non-bailable warrant has been issued against him, and the same was executed on 11.08.2024.

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 due to his ill health, the petitioner was unable to appear before the trial court; as a result of his non-appearance, NBW was issued. He further submitted that the petitioner has been in custody since



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11.08.2024. Hence, he prays for the grant of bail to the petitioner.

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, and he was 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 petitioner.

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

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

7. Accordingly, the petitioner is 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 learned *XIII Metropolitan Magistrate, Chennai*, and on further conditions that:

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

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

[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 or tamper with the evidence;

[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



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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 B.N.S.

26.09.2024

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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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