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CrI.O.P.No.23826 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

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

CrI.O.P.No.23826 of 2024

Enoch Andrews

... Petitioner

Vs.

The State represented by,
Inspector of Police,
CBCID
Nagapattinam
(Crime No. 3 of 2014).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023 to enlarge the petitioner on bail concerned in C.C.No.37 of 2019 on the file of the learned Chief Judicial Magistrate, Nagapattinam District and pass orders.

For Petitioner : Mr.C. Iyyapa Raj

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

ORDER



Crl.O.P.No.23826 of 2024

WEB COPY

The petitioner seeks bail in C.C.No.37 of 2019 on the file of the learned Chief Judicial Magistrate, Nagapattinam District, for the offence punishable under Sections 120(b) r/w 406,420,468,471 of I.P.C, 1860 The petitioner has been remanded to judicial custody on 09.08.2023 on execution of NBW issued against him on 26.09.2022.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.37 of 2019 on the file of the learned Chief Judicial Magistrate, Nagapattinam District. He further submitted that the petitioner was unable to appear before the trial Court, he was issued with the non-bailable warrant on 26.09.2022 and pursuant to the same, he was arrested on 09.08.2023. 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



Crl.O.P.No.23826 of 2024

respondent submitted that the case filed against the petitioner is that due to previous enmity regarding a money dispute, the petitioner assaulted the defacto complainant. He further submitted that since the petitioner, facing trial in C.C.No.37 of 2019 on the file of the learned Chief Judicial Magistrate, Nagapattinam District has failed to appear before the trial Court and therefore, the trial Court has issued a NBW against the petitioner on 26.09.2022, and pursuant to which, he was arrested and remanded to judicial custody on on 09.08.2023. 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 also considering the fact that after completion of investigation, final report has also been filed and now the case



Crl.O.P.No.23826 of 2024

is pending for trial 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 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 Chief Judicial Magistrate-Nagapattinam 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 to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;



CrI.O.P.No.23826 of 2024

WEB COPY

[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]; and

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

26.09.2024

smn

To

1.The Chief Judicial Magistrate-Nagapattinam

2.The Inspector of Police,
CBCID
Nagapattinam.

3.The Superintendent,
Central Prison, Coimbatore

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.23826 of 2024

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Crl.O.P.No.23826 of 2024

26.09.2024