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Crl.O.P.No.24559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

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

Crl.O.P.No.24559 of 2024

Niyamathullah

... Petitioner

Vs.

State represented by,
The Inspector of Police,
J-4 Kotturpuram Police Station
Chennai

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail pending trial IX Metropolitan
Magistrate Saidapet in P.R.C.No.138 of 2023 and pass orders.

For Petitioner : Mr.C. Jagan
For Respondent : Mr.S.Vinoth kumar
Government Advocate (Crl.Side)

ORDER

The petitioner seeks bail in P.R.C.No.138 of 2023 on the file of the
IX Metropolitan Magistrate Saidapet, for the offence punishable under



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Sections 394,393,398 of I.P.C. The petitioner has been remanded to judicial custody on 08.08.2024 on execution of NBW issued against him on 05.05.2024.

2. Learned counsel for the petitioner submitted that the petitioner is an accused in P.R.C.No.138 of 2023 on the file of the IX Metropolitan Magistrate Saidapet. He further submitted that the petitioner was unable to appear before the Magistrate Court, he was issued with the non-bailable warrant on 05.05.2024 and pursuant to the same, he was arrested on 08.08.2024. He also submitted that the petitioner will undertake that hereafter he will regularly appear before the 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 respondent submitted that since the petitioner has failed to appear before the Magistrate Court, NBW was issued against the petitioner on 05.05.2024 and pursuant to which, he was arrested and remanded to judicial custody on on



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08.08.2024. He further submitted that investigation is completed and witnesses were examined. 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 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)**



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with two sureties, each for a like sum to the satisfaction of the learned IX Metropolitan Magistrate Court, Saidapet, Chennai and on further conditions that :-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, everyday at 10.30 a.m., until further orders.

[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;

[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



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

03.10.2024

smn

To

1.The IX Metropolitan Magistrate Court, Saidapet, Chennai

2.The Inspector of Police,
J-4 Kotturpuram Police Station
Chennai

3.The Superintendent,
Central Prison, Puzhal 2

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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