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CrI.O.P.No.24565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.24565 of 2024

Amol Bala Shaheb Shinde

...Petitioner

Vs.

State of Tamilnadu
Rep by its Inspector of Police,
V-5 Thirumangalam Police Station,
Chennai
(Crime No.15 of 2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail pending trial in C.C.No.3187 of 2021 on the file of the XIII Metropolitan Magistrate Court, at Egmore, Chennai in Crime No.15 of 2020.

For Petitioner : Mr.S. SenthilVel
For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)



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ORDER

The petitioner seeks bail in C.C.No.3187 of 2021 on the file of the XIII Metropolitan Magistrate Court, at Egmore, Chennai for the offences under Sections 392 of I.P.C in Crime No.15 of 2020 on the file of the respondent police. The petitioner has been remanded to judicial custody on 08.05.2024 on execution of NBW issued against him on 14.09.2021.

2.Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.3187 of 2021 on the file of the XIII Metropolitan Magistrate Court, at Egmore, Chennai. He further submitted that since the petitioner was unable to appear before the trial Court, he was issued with the non-bailable warrant on 08.05.2024, and pursuant to the same, he was arrested on 14.09.2021. 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.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, facing trial in C.C.No.3187 of 2021 on the file of the XIII Metropolitan Magistrate Court, at Egmore, Chennai, has failed to appear before the trial Court and therefore, the trial Court has issued a NBW against the petitioner on 14.09.2021, and pursuant to which NBW issued against the petitioner, he was arrested and remanded to judicial custody on 08.05.2024. 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 thereafter NBW was issued and the same has been executed and considering the fact that after completion of investigation, final report has also been filed and now the case is posted for examination of witnesses 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



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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 XIII Metropolitan Magistrate Court at Egmore, Chennai, and on further conditions that :-

[a] the petitioner shall report before the Trial Court, everyday at 10.30 a.m., until further orders, without fail.

[b] the petitioner shall not commit any offences of similar nature.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].



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

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To

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

P.DHANABAL, J.

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