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CRL O.P. No.26287 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26287 of 2024

1.Dilli Ganesh @ Thalapathy

2. Arun @ 380 Arun

... Petitioners / Accused

Vs

State Rep. By
The Inspector of Police,
S-16, Perumbakkam Police Station,
(Crime No.171 of 2022)

... Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the petitioners on bail in Spl.S.C.No.199 of 2024 on the file of the Principal Sessions Judge, Mahila Court at Chengalpet in Crime No.171 of 2022 dated 12.02.2024 pending on the file of the respondent police.

For Petitioners : Mr.K.Vignesh

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)



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ORDER

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The petitioners seek bail in S.C.No.199 of 2024 on the file of the learned Principal Sessions Judge, Mahila Court at Chengalpet in Crime No.171/2022 dated 12.02.2024 pending on the file of the respondent police, for the offences under Sections 341, 294(b), 427, 336, 307, 506(ii), 324, 392 and 34 of the IPC. The petitioners have been remanded to custody on 19.07.2024 on execution of NBW.

2. It is a case of jumped bail. The petitioners were arrayed as an accused in S.C.No.199 of 2024 on the file of the learned Principal Sessions Judge, Mahila Court at Chengalpet in Crime No.171/2022 dated 12.02.2024 pending on the file of the respondent police. 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 19.07.2024.

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 health issues, the petitioners were



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unable to appear before the trial court; as a result of their non-appearance, NBW was issued. He further submitted that the petitioners have been in custody since 19.07.2024. Hence, he prays for the grant of bail to the petitioners.

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 19.07.2024. He further submitted that the case is now posted for examination of witnesses. 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 that the petitioners are in custody from 19.07.2024 and now the case is posted for examination of witnesses, 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 condition to execute 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 learned ***Principal Sessions Judge, Mahila Court at Chengalpet*** and on further conditions that;

[a] the petitioners shall report before the Mahila Court, Chengalpet, on all working days at 10.30 am., until further orders.

[b] the petitioners 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 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 him from disclosing such facts to the Court or to any police officer;

[d] the petitioners 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 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 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.

23.10.2024

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To

- 1.The Principal Sessions Judge,
Mahila Court,
Chengalpet.
- 2.The Superintendent of Prison,
Puzhal Prison – II.
- 3.The Inspector of Police,
S-16, Perumbakkam Police Station.
- 4.The Public Prosecutor,
High Court, Madras.

P.DHANABAL,J.

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