



CRL O.P. No.26721 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26721 of 2024

Arun Kumar

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai District.

(Crime No.678 of 2022)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in C.C.No.4050 of 2023 on the file of the XIII Metropolitan Magistrate, Egmore.

For Petitioner : Mr.K.Vignesh

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



WEB COPY



CRL O.P. No.26721 of 2024

ORDER

The petitioner seeks bail in C.C.No.4050 of 2023 on the file of the XIII Metropolitan Magistrate, Egmore, for the offences under Sections 341, 294(b), 506(ii) of IPC r/w 25(1)(a) of Arms Act. The petitioner has been remanded to judicial custody on 24.09.2024 on execution of NBW issued against him on 27.08.2024.

2.It is a case of jumped bail. The petitioner is arrayed as accused in C.C.No.4050 of 2023 on the file of the XIII Metropolitan Magistrate, Egmore . The petitioner was already granted bail, however, due to his non appearance before the Trial Court, Nonailable Warrant has been issued against him on 27.08.2024 and the same was executed on 24.09.2024.

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 family situation, the petitioner was unable to appear before the Trial Court, as a result of non appearance, NBW was issued.



CRL O.P. No.26721 of 2024

He further submitted that the petitioner has been in custody since 24.09.2024. Hence, he prays for 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 on 27.08.2024 and he was secured only on 24.09.2024. He further submitted that the case is now posted for examination of witnesses. However, he vehemently opposed to grant bail to the petitioner.

5.I have heard the representation made by the learned counsel on both side.

6. Considering that the petitioner was already granted bail and thereafter, due to his non appearance before the Trial Court, NBW was issued and the same has been executed and considering the number of days of incarceration undergone by the petitioner from 24.09.2024 and the case is now posted for examination of witnesses, this Court is inclined to grant bail to the petitioner with certain conditions:



CRL O.P. No.26721 of 2024

WEB COPY

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 **XIII Metropolitan Magistrate, Egmore**, and on further conditions that;

[b] the Petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders.

[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;

[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 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.

25.10.2024

ata



CRL O.P. No.26721 of 2024

WEB COPY

To

- 1.The XIII Metropolitan Magistrate, Egmore.
- 2.Central Prison, Puzhal – II, Chennai.
- 3.The Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai District.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.26721 of 2024

P.DHANABAL,J.
ata

CRL.OP.No.26721 of 2024

25.10.2024