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CrI.O.P.No.26797 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

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

CrI.O.P.No.26797 of 2024

1.Viji @ Vijay
2.Murali @ Muralibabu

... Petitioners

Vs.

State represented by
The Inspector of Police,
Ponneri Police Station,
Tiruvallur District.
(Crime No.438 of 2011).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in C.C.No.1918 of 2024 on the file
of the Chief Metropolitan Magistrate Court, Egmore, Chennai, connected
with Crime No.438 of 2011 on the file of the respondent police.

For Petitioners : Mr.B.Dineshkumar

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

ORDER

The petitioners seek bail in C.C.No.1918 of 2024 on the file of the
Chief Metropolitan Magistrate Court, Egmore, Chennai, in connection with



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Crime No.438 of 2011 for the offences punishable under Sections 457, 380, 109 IPC r/w 34 IPC. The petitioners have been remanded to custody on 25.09.2024 on execution of NBW issued against them on 14.06.2023.

2.It is a case of jumped bail. The petitioners are accused in C.C.No.1918 of 2024 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai,. The petitioners were already granted bail, however, due to non appearance before the Court, Non Bailable Warrant has been issued against them on 14.06.2023 and the same was executed on 25.09.2024.

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 the petitioners were unable to appear before the Trial Court, as a result of non appearance, NBW was issued against them. He further submitted that the petitioners have been in custody from 25.09.2024. Hence, he prays for 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



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appearance, NBW was issued against the petitioners on 14.06.2023 and they were secured only on 25.09.2024. He further submitted that the case is now posted for examination of witnesses. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that the petitioners were already granted bail and thereafter, due to their non appearance before the Trial Court, NBW was issued and the same has been executed, and the petitioners are in judicial custody from 25.09.2024 and now the case is posted for examination of witnesses, and also considering all other factors, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] 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 Chief Metropolitan Magistrate Court, Egmore, Chennai, and



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on further conditions that;

[b] the Petitioners shall report before the Trial Court on all working days at 10.30 am., until further orders, without fail.

[c] 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;

[d] 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;

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

25.10.2024

drl

To

- 1.The Chief Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.The Inspector of Police,
Ponneri Police Station,
Tiruvallur District.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai-66.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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