



WEB COPY



CrI.O.P.No.27781 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.27781 of 2024

Johnson @ Abel Johnson

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
V-4 Rajamangalam Police Station,
Rajamangalam, Chennai - 99.
(Crime No.635 of 2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in P.R.C.No.200 of 2023 pending on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.K.P.Chandrasekaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 25.10.2024 under Section 309 Cr.P.C, seeking bail in P.R.C.No.200 of 2023 pending on the file of the learned XIII Metropolitan Magistrate, Egmore, Chennai, in connection



Crl.O.P.No.27781 of 2024

with Crime No.635 of 2021 registered for the offence under Sections 342, 294(b), 324, 506(ii) of IPC r/w 34 of IPC and Section 307 of IPC.

2. The petitioner is arrayed as A1 in P.R.C.No.200 of 2023 pending committal on the file of the learned XIII Metropolitan Magistrate, Egmore, Chennai, for the offence under Sections 342, 294(b), 324, 506(ii) of IPC r/w 34 of IPC and Section 307 of IPC. The petitioner/A1 had appeared before the Court and the other accused have filed a petition under Section 317 Cr.P.C seeking for condoning their absence. The learned trial Judge, finding that the accused are attempting to prolong the case case, had remanded the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner, who is arrayed as A1, is facing trial in P.R.C.No.200 of 2023 pending committal on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai. He further submitted that the petitioner was regularly appearing before the Court and he cannot be faulted for the absence of the other accused, who are irregular in attending the Court. In the event of the other accused not appearing before the trial Court, the trial Court ought to have split up the case against the petitioner and committed the case to the Court of



Crl.O.P.No.27781 of 2024

WEB COPY Sessions. He further reiterated that the petitioner cannot be remanded and faulted for the absence of the other accused. He also submitted that the petitioner is in custody from 25.10.2024, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is the first accused in Crime No.635 of 2021 and investigation in this case has been completed and the case now stands for committal on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai in P.R.C.No.200 of 2023. He further submitted that the trial Court finding that the accused were following dilatory tactics and delaying the progress of the trial, had remanded the petitioner. Hence, he objected for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court and he undertakes that he will co-operate for speedy disposal of the trial and also ready to appear before the trial Court on all working days, without fail. Hence, he prayed for grant of bail.



Crl.O.P.No.27781 of 2024

WEB COPY

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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, Egmore, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the



CrI.O.P.No.27781 of 2024

learned XIII Metropolitan Magistrate, Egmore, Chennai, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned 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]*;

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

12.11.2024

ham

A.D.JAGADISH CHANDIRA.,J.

ham

To

1. The XIII Metropolitan Magistrate Court,



Crl.O.P.No.27781 of 2024

- Egmore, Chennai.
2. The Inspector of Police,
V-4 Rajamangalam Police Station,
Rajamangalam, Chennai – 99.
 3. The Superintendent,
Central Prison,
Puzhal.
 4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.27781 of 2024

12.11.2024