



Crl.O.P.No.28328 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

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

Crl.O.P.No.28328 of 2024

Ajith

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Redhills Police Station,
Tiruvallur District.

(Crime No.896 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in S.C.No.51 of 2024 pending on the file of the learned IV Additional District and Sessions Judge, Ponneri, Tiruvallur District in connection with Crime No.896 of 2023 on the file of the respondent Police.

For Petitioner : Mr.R.Subramanian

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



CrI.O.P.No.28328 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 17.10.2024 pursuant to the non-bailable warrant issued against him on 15.10.2024, seeking bail in S.C.No.51 of 2024 pending on the file of the learned IV Additional District and Sessions Judge, Ponneri, Tiruvallur District, in connection with Crime No.896 of 2023 registered for the offence under Sections 147, 148, 149, 120(b), 302, 450 of IPC.

2. Learned counsel for the petitioner submitted that the petitioner/Accused is facing trial in S.C.No.51 of 2024 pending on the file of the IV Additional District and Sessions Court, Ponneri, Tiruvallur District. He further submitted that in this case, the petitioner was earlier arrested and enlarged on bail and thereafter, he has been regularly appearing before the trial Court on all hearing dates, whereas, on 15.10.2024, in order to comply with the condition imposed by this Court, he went to report before the Inspector of Police, Sankarankoil Town Police Station, therefore, he was unable to appear before the trial Court, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him. He also submitted that the



Crl.O.P.No.28328 of 2024

absence of the petitioner is neither willful nor wanton and further, he undertakes that the petitioner will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submitted that the petitioner/accused, who is facing trial in S.C.No.51 of 2024 pending on the file of the IV Additional District and Sessions Court, Ponneri, Tiruvallur District, has failed to appear before the trial Court on 15.10.2024, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was arrested on 17.10.2024. He further submitted that there are 47 witnesses in this case and the case now stands posted for examination of LW16 to LW25 on 21.12.2024.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the signing report of the petitioner before the Sankarankoil Town Police Station produced by the



Crl.O.P.No.28328 of 2024

respondent.

WEB COPY

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the period of incarceration undergone by the petitioner, this Court is 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **IV Additional District and Sessions Judge, Tiruvallur at Ponneri**, 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 learned **IV Additional District and Sessions Judge, Ponneri, Tiruvallur District**, on all working days at **10.30 a.m.**, for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;



CrI.O.P.No.28328 of 2024

[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 of B.N.S.

18.11.2024

ham

To

1. The IV Additional District and Sessions Court,
Ponneri, Tiruvallur District.
2. The Inspector of Police,
Redhills Police Station,
Tiruvallur District.
3. The Superintendent,
Central Jail, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



WEB COPY



CrI.O.P.No.28328 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

CrI.O.P.No.28328 of 2024

18.11.2024