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Cr1.O.P.No.30303 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

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

Cr1.O.P.No.30303 of 2024

Arun

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
G-2, Periamet Police Station,
Chennai District.

(Crime No.413 of 2013)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
S.C.No.420 of 2013 pending on the file of XIX Additional Judge, City Civil
Court, Chennai.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)

ORDER

Petition seeking bail in respect of S.C.No.420 of 2013 pending on
the file of the learned XIX Additional Judge, City Civil Court, Chennai, in



Cr1.O.P.No.30303 of 2024

connection with Crime No.413 of 2013 registered for the offences punishable under Sections 147, 148, 341, 294(b), 302, 506(ii) r/w.149 of IPC is on board for consideration.

2.Learned counsel for the petitioner submits that the petitioner is an accused/A3 facing trial in S.C.No.420 of 2013 pending on the file of the learned XIX Additional Judge, City Civil Court, Chennai. He further submits that since the petitioner suffered from jaundice, he went to Kerala to take traditional treatment and therefore, he was unable to appear before the trial Court on 07.03.2023, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to the same, he was formally arrested on 04.10.2024. He further 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 (Criminal Side) appearing for the respondent, while objecting for grant of bail, submits that the petitioner/A3, who is facing trial in S.C.No.420 of 2013 before the learned XIX Additional



Cr1.O.P.No.30303 of 2024

Judge, City Civil Court, Chennai, has failed to appear before the trial Court on 07.03.2023, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed on 04.10.2024. He also submits that seven previous cases are pending against the petitioner, therefore, if he is enlarged on bail, there is every possibility of him absconding and not available for trial proceedings.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and 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 XIX Additional Judge, City Civil Court, 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;



Crl.O.P.No.30303 of 2024

[b] the petitioner shall appear before the learned XIX Additional Judge, City Civil Court, Chennai, on all working days at 10.30 a.m., until further orders and he shall also appear before the respondent police on every Saturday at 06.30 pm., 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 of B.N.S.

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CrI.O.P.No.30303 of 2024

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To

1. The XIX Additional Judge, City Civil Court, Chennai
2. The Inspector of Police,
G-2, Periamet Police Station,
Chennai District.
3. The Superintendent,
Central Prison II , Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.30303 of 2024

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.30303 of 2024

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