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CrI.O.P.No.30335 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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

CrI.O.P.No.30335 of 2024

Johnson

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B-1, North Beach Police Station,
Chennai.

(Crime No.1029 of 2002)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in S.C.No.341 of 2012 on the file of the learned III Additional Sessions Judge, Chennai.

For Petitioner : Mr.K.P.Rajendran

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

ORDER

Petition seeking bail in respect of S.C.No.341 of 2012 pending on the file of the learned III Additional Sessions Judge, Chennai, in connection



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with Crime No.1029 of 2002 registered for the offences punishable under Sections 341, 392, 397 and 506(ii) of IPC, is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner, who is arrayed as A1, is facing trial in S.C.No.341 of 2012 pending on the file of the learned III Additional Sessions Judge, Chennai. He further submits that the petitioner has been regularly appearing before the trial Court till 2013 and since the previous counsel had informed him that the entire case was over, he did not appear before the trial Court thereafter and further, he was also not aware of the non-bailable warrant issued against him. He also submits that the petitioner has not absconded and he is residing at the same address, from where, he was arrested on 18.11.2024. He also 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, submits that the petitioner/A1, who is facing trial in S.C.No.341 of 2012 before the III Additional Sessions



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Court, Chennai, has failed to appear before the trial Court, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him on 20.11.2013 and pursuant to the same, he was arrested only on 18.11.2024 in his residence. He further submits that the case in S.C.No.341 of 2012 stands posted on 03.01.2025 and there are eight witnesses in this case.

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 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** (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned **VII Additional Sessions Judge, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned Judge concerned, in S.C.No.341 of 2012, on all working days at 10.30 a.m., until further orders and he shall also report before the respondent Police on every Saturday at 6.30p.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 of B.N.S.

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To

1. The VII Additional Sessions Judge,
Chennai.
2. The III Additional Sessions Judge,
Chennai.
3. The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
4. The Superintendent,
Central Prison,
Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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