



WEB COPY



Crl.O.P.No.30431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

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

Crl.O.P.No.30431 of 2024

Kamalakannan @ Mathi

... Petitioner

Vs.

State Rep. by,
Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai 600 039

... 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.226 of 2017 on the file of XIX Additional Sessions Judge, Chennai.

For Petitioner : Mr.A.Elumalai

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

ORDER

Petition seeking bail in respect of S.C.No.226 of 2017 on the file of
XIX Additional Sessions Judge, Chennai, in connection with Crime No.1287
of 2017 registered for the offences punishable under Sections 147, 148, 341,



Cr1.O.P.No.30431 of 2024

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.226 of 2017 on the file of XIX Additional Sessions Judge, Chennai. He further submits that since the petitioner's brother died in an accident, he was unable to appear before the trial Court on 24.01.2023, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to the same, he was formally arrested on 01.08.2024. 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.226 of 2017 on the file of XIX Additional Sessions Judge, Chennai, has failed to appear before the trial Court on 24.01.2023, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed on 01.08.2024. He also submits that five previous cases are pending against the petitioner, therefore,



Cr1.O.P.No.30431 of 2024

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, including the counter affidavit filed by the respondent 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 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 Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned XIX Additional Sessions Judge, Chennai, on all working days at 10.30 a.m., until further orders and he shall also appear before the respondent police on



Crl.O.P.No.30431 of 2024

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.

05.12.2024

sai



CrI.O.P.No.30431 of 2024

WEB COPY

To

1.The XIX Additional Sessions Judge, Chennai

2.Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai 600 039

3.The Superintendent,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.30431 of 2024

A.D.JAGADISH CHANDIRA, J.

sai

Crl.O.P.No.30431 of 2024

05.12.2024