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CrI.O.P.No.30467 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

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

CrI.O.P.No.30467 of 2024

Yogesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
JJ Nagar Police Station,
Chennai.

(Crime No.147 of 2021)

... 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.253 of 2024 on the file of the III Additional District and Sessions Court, Thiruvallur at Poonamallee, in Crime No.147 of 2021 on the file of the respondent Police.

For Petitioner : Mr.N.Nishar Ahamed

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

ORDER

Petition seeking bail in respect of S.C.No.253 of 2024 pending on the file of the learned III Additional District and Sessions Judge, Thiruvallur



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at Poonamallee, in connection with Crime No.147 of 2021 registered for the offences punishable under Sections 341, 147,148, 294(b) and 302 of IPC is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner, who is arrayed as A7, is facing trial in S.C.No.253 of 2024 pending on the file of the learned III Additional District and Sessions Judge, Thiruvallur at Poonamallee. He further submits that due to his illness, the petitioner was unable to appear before the trial Court on 03.06.2024, thereby, the trial Court has issued a Nonailable Warrant of arrest against him and when the petitioner was taking steps to recall the warrant, he was arrested by the respondent on 17.07.2024. 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/A7, who is facing trial in S.C.No.253 of 2024 before the III Additional District



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and Sessions Court, Poonamallee, has failed to appear before the trial Court on 03.06.2024, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed on 17.07.2024.

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** (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned **III Additional District and Sessions Judge, Thiruvallur at Poonamallee**, 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 III Additional District and Sessions Judge,



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Thiruvallur at Poonamallee, 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.

06.12.2024

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To
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1. The III Additional District and Sessions Judge,
Thiruvallur at Poonamallee .
2. The Inspector of Police,
JJ Nagar Police Station,
Chennai.
3. The Superintendent,
Central Prison -II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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