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Crl.O.P.No.31648 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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

Crl.O.P.No.31648 of 2024

Chinna Appu @ Sathiyamoorthy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-2, Otteri Police Station,
Chennai.
(Crime No.547 of 2023)

... 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.12 of 2024 pending trial on the file of the XVI Additional District and Sessions Court at Chennai.

For Petitioner : Mr.A.Nirmal Kumar Sharma

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

ORDER

Petition seeking bail in respect of S.C.No.12 of 2024 pending on the file of the learned XVI Additional District and Sessions Judge, Chennai, in connection with Crime No.547 of 2023 registered for the offences



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punishable under Sections 147, 148, 341, 294(b), 324, 302 and 506(ii) of IPC, is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner, who is arrayed as A3, is facing trial in S.C.No.12 of 2024 pending on the file of the learned XVI Additional District and Sessions Judge, Chennai. He further submits that the petitioner has been regularly appearing before the trial Court on all hearing dates and since, he was arrested in Crime No.150 of 2024 registered on the file of the G5 Police Station, Chennai on 14.07.2024, he was unable to appear before the trial Court on 22.07.2024, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to the same, the petitioner was later produced through PT warrant on 21.10.2024 and since, the petitioner had not engaged counsel, the learned trial Judge had remanded the petitioner to judicial custody. He further submits that now the petitioner has engaged a counsel and further, he undertakes that he 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.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submits that the petitioner/A3, who is facing trial in S.C.No.12 of 2024 before the XVI Additional District and Sessions Court, Chennai, has failed to appear before the trial Court on 22.07.2024, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed through PT warrant on 21.10.2024.

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 considering the facts of the case and 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 **XVI Additional District and Sessions Judge, Chennai**, and on further conditions that :



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[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 XVI Additional District and Sessions Judge, Chennai, on all working days at 10.30 a.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.

19.12.2024

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To

1. The XVI Additional District and Sessions Judge,
Chennai.
2. The Inspector of Police,
P-2, Otteri Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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