



CRL.O.P.No.30975 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM:

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

CRL.O.P.No.30975 of 2024

Siva @ Tiger Siva

... Petitioner

Versus

State rep by
The Inspector of Police,
D-5, Marina Police Station,
Chennai District.
(Crime No.1559 of 2012).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the petitioner on bail concerned in PRC.No.73 of 2013 on the file
of the II Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.R.Rajadurai

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



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ORDER

Petition seeking bail in respect of P.R.C.No.73 of 2023 pending on the file of the II Metropolitan Magistrate, Egmore, Chennai, in connection with Crime No.1559 of 2012 registered for the offences punishable under Section 394, 397 r/w 34 of IPC, is on board for consideration.

2.Learned counsel for the petitioner submits that the petitioner is an accused facing trial in P.R.C.No.73 of 2013 pending on the file of the II Metropolitan Magistrate Court, Egmore, Chennai. He further submits that the petitioner was earlier granted bail and was regularly appearing before the Court and since A4 in this case got absconded, the case was periodically adjourned. He further submits that since the petitioner got employment at Bangalore, he was under the impression that his Advocate would file an application under Section 317 Cr.P.C to condone his absence, however, the Advocate had not filed any application and thereby the non bailable warrant has been issued on 08.12.2022, pursuant to the same, the petitioner was arrested on 24.10.2024 when he had come to



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Chennai. He 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 since the petitioner was absconding from the year 2022, a warrant has been issued and he was arrested on 24.10.2024. He further submits that the petitioner has no previous case against him and the case now stands posted for committal.

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



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each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, 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 II Metropolitan Magistrate, Egmore, 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



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FIR can be registered under Section 269 of B.N.S.

12.12.2024

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To

- 1.The II Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
D-5, Marina Police Station,
Chennai District.
- 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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