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Crl.O.P.No.31652 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.31652 of 2024

Kuppusamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch,
Vepery, Chennai.
(Crime No.235 of 2010)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in C.C.No.2259 of 2012 in Crime No.235 of 2010 on the file of the respondent Police.

For Petitioner : Mr.R.Vignesh

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

ORDER

Petition seeking bail in respect of C.C.No.2259 of 2012 pending on the file of the learned Metropolitan Magistrate for exclusive trial of CCB and CBCID cases, Egmore, in connection with Crime No. 235 of 2010 registered



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for the offences punishable under Section 420 of IPC, is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner/accused is facing trial in C.C.No.2259 of 2012 pending on the file of the learned Metropolitan Magistrate for exclusive trial of CCB and CBCID cases, Egmore. He also submits that the petitioner was earlier arrested in respect of C.C.No.2999 of 2011 before the Chief Metropolitan Magistrate Court, Egmore and in which, he was convicted and underwent imprisonment. He further submits that since the petitioner failed to appear before the trial Court in the present case, the trial Court has issued a Non Bailable Warrant of arrest against him on 12.02.2024 and pursuant to the same, he was arrested on 25.10.2024. He further submits that the petitioner 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.

3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submits that the



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petitioner/accused is facing trial in C.C.No.2259 of 2012 before the Metropolitan Magistrate for exclusive trial of CCB and CBCID cases, Egmore, has failed to appear before the trial Court on 12.02.2024, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed on 25.10.2024. He also submits that there are 28 witnesses in this case and the case now stands posted for summoning LW3 to LW6.

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 **Metropolitan Magistrate for exclusive trial of CCB and CBCID cases, Egmore**, 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 Metropolitan Magistrate for exclusive trial of CCB and CBCID cases, Egmore, 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 Metropolitan Magistrate for
exclusive trial of CCB and CBCID cases, Egmore.
2. The Inspector of Police,
Central Crime Branch,
Vepery, 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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