



WEB COPY



CrI.O.P.No.31614 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

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

CrI.O.P.No.31614 of 2024

Prathap

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N1, Royapuram Police Station,
Chennai – 600 013.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail being arrested by the respondent Police on execution of NBW dated 23.08.2024 issued by the V Additional Sessions Court at Chennai, pending trial in S.C.No.283 of 2022.

For Petitioner : Mr.L.K.Sudhirgha Basu

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

ORDER

Petition seeking bail in respect of S.C.No.283 of 2022 pending on the file of the learned V Additional Sessions Judge, Chennai, in connection



Crl.O.P.No.31614 of 2024

with the case registered for the offences punishable under Sections 294(b), 341, 323, 325, 326, 506(ii) and 307 of IPC r/w Section 34 of IPC, is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner, who is arrayed as A2, is facing trial in S.C.No.283 of 2022 pending on the file of the learned V Additional Sessions Judge, Chennai. He further submits that the petitioner has been regularly appearing before the trial Court on all hearing dates and since, he met with a minor accident, he was unable to appear before the trial Court and also he was not able to contact his legal aid counsel, thereby, the trial Court has issued a Nonailable Warrant of arrest against him on 23.08.2024 and pursuant to the same, the petitioner was arrested on 09.10.2024. He further submits that no other case is pending against the petitioner and 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 petitioner/A2,



Crl.O.P.No.31614 of 2024

who is facing trial in S.C.No.283 of 2022 before the V Additional Sessions Court, Chennai, has failed to appear before the trial Court on 23.08.2024, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed on 09.10.2024. He further submits that the case now stands posted for arguments and further, there is no previous case against the petitioner.

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 fact 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 of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **V Additional (i/c I 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



Crl.O.P.No.31614 of 2024

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 V Additional (i/c I Additional) Sessions Judge, Chennai, on all working days at 10.30 a.m., until further orders and the petitioner shall also report before the respondent Police on every Saturday at 6.30pm., 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.

18.12.2024

ham



Crl.O.P.No.31614 of 2024

WEB COPY

To

1. The V Additional (i/c I Additional) Sessions Judge,
Chennai.
2. The Inspector of Police,
N1, Royapuram Police Station,
Chennai – 600 013.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.31614 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.31614 of 2024

18.12.2024