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Crl.O.P.No.31597 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31597 of 2024

Ajai @ Botti Ajai

.... Petitioner

Vs

State Rep. by
The Inspector of Police,
D3, Ice House Police Station,
Chennai.

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to release the petitioner on anticipatory bail in the event of his arrest by the respondent police in S.C.No.560 of 2023 pending trial before the IV Additional Sessions Judge, Chennai.

For Petitioner : Mr.Thinesh P

For Respondent : Mr.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with a Non Bailable Warrant issued by the IV Additional Sessions Judge, Chennai in S.C.No.560 of 2023,



Crl.O.P.No.31597 of 2024

the present petition has been filed by the petitioner seeking anticipatory bail.

WEB COPY

2. The case of the prosecution is that due to non appearance of the petitioner before the trial Court, Non Bailable Warrant has been by the IV Additional Sessions Judge, Chennai on 24.10.2024. Hence, the case.

3. Pleading innocence on the part of the petitioner, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is facing trial in S.C.No.560 of 2023. He also submits that on 24.10.2024, the petitioner was in custody of Crime No.290 of 2024, registered by the D3, Ice House Police Station and therefore, he was unable to attend the Court. Hence, the Court has issued Non Bailable Warrant. Subsequently, the petitioner was granted bail in Crime No.290 of 2024 in Crl.O.P.No.27042 of 2024 dated 28.10.2024. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that it is a case of jumped bail. The petitioner had previously surrendered and was released on bail prior to file final report.



Crl.O.P.No.31597 of 2024

However, due to petitioner's non appearance before the Court, a NBW was issued on 24.10.2024. He would submit that the petitioner is a History Sheeter.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, this Court is of the view that the petitioner may be granted bail. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **IV Additional Sessions Judge, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, out of which one surety must be blood relative, each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the **IV Additional Sessions Judge, Chennai** within a period of fifteen



Crl.O.P.No.31597 of 2024

WEB COPY

days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the trial Court, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or 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 BNS.

18.12.2024

Index : Yes/No

Internet : Yes/No

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To

1.The Inspector of Police,
D3, Ice House Police Station,
Chennai.

2.The Public Prosecutor,



High Court, Madras.

WEB COPY



Crl.O.P.No.31597 of 2024

A.D.JAGADISH CHANDIRA, J,

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Crl.O.P.No.31597 of 2024

18.12.2024