



Crl.O.P.No.84 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

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

Crl.O.P.No.84 of 2025

Kani @ Chetta

... Petitioner

Vs.

The State, Rep. by
The Inspector of Police
K-11, CMBT Police Station
Chennai District
(Crime No.458 of 2022)

... Respondent

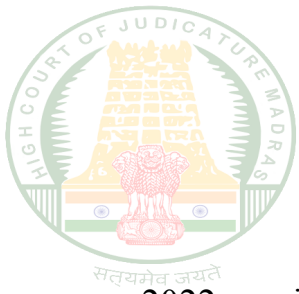
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending trial in PRC.No.114 of 2023 on the file of the V Metropolitan Magistrate at Egmore in Crime No.458 of 2022 on the file of the respondent Police.

For Petitioner : Mr.A.Sham

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

ORDER

Petition seeking bail pending trial in PRC.No.114 of 2023 on the file of the learned V Metropolitan Magistrate at Egmore in respect of Crime No.458 of

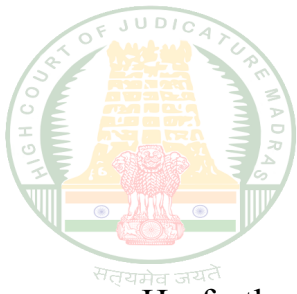


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2022 registered for the offences punishable under Sections 394, 395 & 397 of IPC is on board for consideration.

2.The incarceration of the petitioner being from 26.09.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is an accused facing trial in PRC.No.114 of 2023 on the file of the learned V Metropolitan Magistrate at Egmore. He further submits that the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to the same, he was formally arrested on 26.09.2024. He further 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.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail, submits that the petitioner, who is facing trial in PRC.No.114 of 2023 on the file of the learned V Metropolitan Magistrate at Egmore, failed to appear before the trial court on 25.04.2024, as a result, the trial Judge issued a Non-Bailable Warrant for his arrest, which was executed on 26.09.2024. He further submits that with significant effort, the respondent was able to secure the petitioner on 26.09.2024.



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He further submits that there are totally eight witnesses in the case, before the trial Court. He further submits that if the petitioner is granted bail, there is a high risk that he may abscond again and become unavailable for trial proceedings.

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 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 V Metropolitan Magistrate at Egmore, 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 report before the learned V Metropolitan Magistrate at Egmore, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness 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 B.N.S.

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A.D.JAGADISH CHANDIRA, J.
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To

1.The V Metropolitan Magistrate at Egmore

2.The Inspector of Police
K-11, CMBT Police Station
Chennai District

3.The Superintendent,
Central prison, Puzhal II, Chennai.

4.The Public Prosecutor,
High Court of Madras.

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