

CRL OP NO. 1083 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2025

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**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA**

**CRL OP NO. 1083 of 2025**

D.Muralidharan

S/o Duraisamy, H1/35, Lake View Residency, Ambattur,  
Chennai-600 077.

Petitioner(s)

Vs.

The State Rep by, The Inspector of Police,  
V5, Thirumangalam Police Station, Chennai. (Crime No.1210 of 2010)

Respondent(s)

**For Petitioner(s):** Mr. Anandharaja Kajendran

**For Respondent(s):** Mr. S.Santhosh,,Government Advocate (Criminal Side).

**ORDER**

Apprehending arrest in connection with C.C.No.5082 of 2010, pending on the file of the learned XIII- Metropolitan Magistrate, Egmore, Chennai, in connection with Crime No.1210 of 2010 registered for the offences punishable under Sections 294(b), 323, 506(ii) r/w Section 34 of the Indian Penal Code, 1860 (I.P.C), the present petition has been filed seeking anticipatory bail.



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2. Learned counsel appearing for the petitioner submitted that the petitioner is facing trial in C.C.No.5082 of 2010, pending on the file of the learned XIII-Metropolitan Magistrate, Egmore, Chennai, in connection with Crime No.1211 of 2010 registered for the offences punishable under Sections 294(b), 323, 506(ii) r/w Section 34 of the Indian Penal Code, 1860 (I.P.C). He further submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates. However, due to illness, he was unable to appear before the trial Court on 26.12.2024. When the trial Court issued a Non Bailable Warrant against him, the petitioner is ready to appear before the trial Court and also he is ready to co-operate for speedy disposal of the trial. Hence, she prays for the grant of anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.side) submitted that the petitioner, who is an accused facing trial in C.C.No.5082 of 2010 on the file of the learned XIII-Metropolitan Magistrate, Egmore, Chennai, has failed to appear before the trial Court from 26.12.2024. Therefore, the trial Court had issued a Non-Bailable Warrant of arrest against him. He also submitted that due to the absence of the



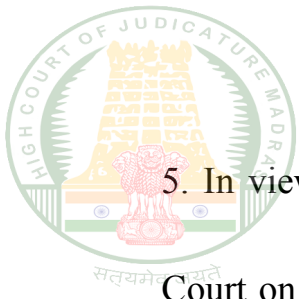
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petitioner, the trial Judge is unable to proceed with the trial. He further submitted that the petitioner had already filed a Crl.O.P.No.1351 of 2025 before this Court at the time Pongal vacation on 17.01.2025 and the same was allowed with certain terms. The relevant portion of the said order is extracted hereunder:

*“4. Since non-bailable warrant is pending against the petitioner, the petitioner shall appear before the Court below on 29.01.2025 and file a petition for recall of warrant. On such petition being filed, the Court below shall recall the same. The petitioner undertakes before this Court that he will appear in person or through a pleader on all hearing dates. As and when the prosecution witnesses are produced, they shall be cross-examined immediately. If the petitioner fails to appear before the Court below on 29.01.2025 and fails to cross-examine the aforesaid witnesses on the dates they appear, this order will go automatically and the petitioner will not be able to drive any benefit out of it.”*

Hence, he object for grant of anticipatory bail.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.



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5. In view of the above, the petitioner is directed to surrender before the trial Court on 29.01.2025 and file a petition for recalling the warrant as directed by this Court on 17.01.2025. The learned trial Judge is directed to consider the same and pass appropriate orders on merits, taking into consideration the petitioner's surrender on the same day. The petitioner is also directed to file an undertaking affidavit that he is ready to co-operate for speedy disposal of the trial.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 on the file of the **learned XIII- Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties (**one of the surety shall be blood related surety**) 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:



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[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

**[b] the petitioner shall appear before the Trial Court on all working days at 10:30 A.M., ;**

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

[d] the petitioner shall not abscond either during the investigation or during the 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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

**21-01-2025**

**kl**

To

1. The State Rep by, The Inspector of Police,  
V5, Thirumangalam Police Station,  
Chennai. (Crime No. 1210 of 2010)



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**A.D.JAGADISH CHANDIRA, J.**

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