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Crl.O.P.No.2000 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

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

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Mohammed Ali

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Somangalam Police Station,
Kancheepuram.

(Crime No.539 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in
in P.R.C.No.30 of 2024 pending committal on the file of the learned Judicial
Magistrate, Sriperumbudur.

For Petitioner : Mr.K.Karthik

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

ORDER

Petition seeking bail in respect of P.R.C.No.30 of 2024 pending
committal on the file of the learned Judicial Magistrate, Sriperumbudur, in
connection with Crime No.539 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 341, 120(b), 201 & 302 of IPC, is



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on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner is arrayed as A4 in P.R.C.No.30 of 2024 on the file of the learned Judicial Magistrate, Sriperumbudur. He further submits that since the petitioner was making arrangements for his marriage fixed on 20.1.2025, he was unable to appear before the trial court and also not able to file the petition under Section 317 Cr.P.C, thereby, the non bailable warrant was issued against him on 19.12.2024 and pursuant to the same, he was arrested on 02.01.2025. He also submits that due to the arrest of the petitioner, his marriage was also postponed. 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 since the petitioner/A4 failed to appear before the trial Court in P.R.C.No.30 of 2024, the non-bailable warrant came to be issued against him on 19.12.2024 and the same was executed on 02.01.2025. He further submits that there are 38 witnesses in this case and now it stands posted on 07.02.2025.



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4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the facts of the case, 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 the blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sriperumbudur**, 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, after coming out on bail, shall file an Affidavit of Undertaking to the effect that he will regularly appear before the trial court and co-operate for speedy disposal of the trial;

[c] the petitioner shall appear before the learned **Judicial Magistrate, Sriperumbudur**, on all hearing days, without fail;

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[d] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] 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]***;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

29.01.2025

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To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
Somangalam Police Station,
Kancheepuram.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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