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Crl.O.P.No.2125 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

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

Crl.O.P.No.2125 of 2025

Jagan Josh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai
(Crime No.10 of 2022).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.10 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Senthamilarasu

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

ORDER

Petition seeking bail in respect of C.C.No.3785 of 2022 pending trial on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai, in connection with Crime No.10 of 2022 registered for the offences punishable



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under Sections 324 and 506(ii) of IPC read with Section 75 of Juvenile Justice (Care and Protection of Children) Act 2015, is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner is an accused, facing trial in C.C.No.3785 of 2022 pending on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai. He further submits that due to continued illness, the petitioner was unable to appear before the trial court, thereby, a non-bailable warrant was issued against him and pursuant to the same, he was arrested on 15.11.2024. He also 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 the petitioner, who is facing trial in C.C.No.3785 of 2022 before the learned IX Metropolitan Magistrate, Saidapet, Chennai, has failed to appear before the trial Court, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him on 04.09.2024 and the same was executed on 15.11.2024 and the case is now posted for examination of LW1.



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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 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 the blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **IX Metropolitan Magistrate Court, Saidapet, Chennai**, 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 appear before the learned IX Metropolitan Magistrate Court, Saidapet, Chennai on all working days at 10.30 a.m., 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;



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[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.

29.01.2025

Sma

To

1. IX Metropolitan Magistrate Court,
Saidapet, Chennai.
2. The Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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