



Crl.O.P.No.3085 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3085 of 2025

Azhguraja S/o. Sekar @ Thottam Sekar ... Petitioner / A1
Vs.

The State represented by:

The Inspector of Police,
D4 Zam Bazaar Police Station,
Chennai.
(Crime No.45 of 2022).

... Respondent

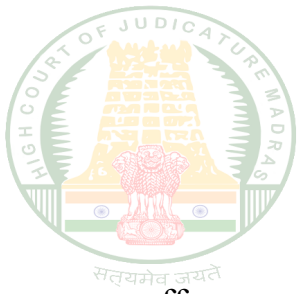
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.45 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C. Jagan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.12.2024, seeking bail in S.C. No.208 of 2023 pending trial on the file of the learned III Additional Sessions Judge, Chennai, in connection with Crime No.45 of 2022 registered for the



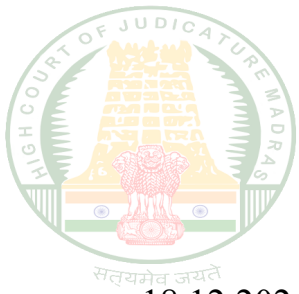
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offences punishable under Sections 341, 294(b), 323, 384, 336, 427, 324 and 307 of IPC.

2. The petitioner is facing prosecution for the offences under Sections 341, 294(b), 323, 384, 336, 427, 324 and 307 of IPC in S.C. No.45 of 2022 on the file of the learned III Additional Sessions Judge, Chennai,. The petitioner, for his non-appearance, was arrested by the respondent police on execution of non-bailable warrant on 18.12.2024.

3. Learned counsel appearing for the petitioner submitted that, due to his illness, he was not able to appear before the trial Court and that the petitioner's non appearance is neither wilful nor wanton. He further submitted that, in any case, petitioner is in custody from 18.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner did not appear before the trial Court regularly and hence NBW was issued against the petitioner and he was arrested on execution of NBW on



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18.12.2024; that the petitioner has 17 previous cases, out of which, three cases were disposed of and hence, if he is let out on bail, he would indulge in similar activities.

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

6. Having regard to the fact that due to the non-appearance of the petitioner, he was arrested on execution of NBW. Considering the period of incarceration of the petitioner from 18.12.2024 and the petitioner is on bail in the previous cases, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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**, each for a like sum to the satisfaction of the learned **III Additional Sessions Judge, 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



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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 abscond either during investigation or trial;

[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]***;

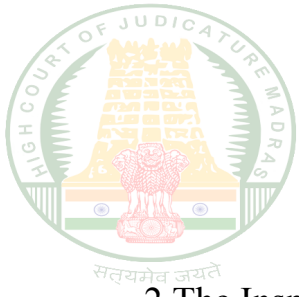
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

1. The III Additional Sessions Judge, Chennai,



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2. The Inspector of Police,
D4 Zam Bazaar Police Station,
Chennai.

3. The Superintendent,
Central Prison, Cuddalore.

4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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