



CRL O.P. No.4549 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Bharathiraj @ Bharathwaj

... Petitioner / Accused

Versus

State Rep. By
The Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai.
(Crime No.627 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail in C.C.No.15839 of 2022 pending on the file of the learned XIII M.M., Egmore, Chennai.

For Petitioner : Mr. A. Vinoth Kumar.

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

ORDER

This Criminal Original Petition has been filed by the petitioner,
who was arrested and remanded to judicial custody on 27.01.2025,



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seeking bail in C.C.No.15839 of 2022 pending on the file of the learned

XIII Metropolitan Magistrate, Egmore, Chennai.

2. The case of the prosecution is that the petitioner was facing trial for the offence under Sections 341, 296(b), 324, 506(ii) of IPC in C.C.No.15839 of 2022; that he had not appeared before the trial Court and hence a non bailable warrant was issued on 25.11.2024; that subsequently the petitioner was arrested on 12.01.2025 in Cr.No.08 of 2025 and he was granted bail on 23.01.2025 in CrI.M.P.No.689 of 2025; that thereafter, the petitioner had voluntarily surrendered before the trial Court on 27.01.2025 and the petitioner is still in custody.

3.The learned counsel for the petitioner would submit that since the petitioner was ill, he could not appear before the trial Court and his absence before the trial Court is neither willful nor wanton and he has been released on bail in other case. In any case, the petitioner has voluntarily surrendered and he is in custody from 27.01.2025. Hence, he prayed for grant of bail to the petitioner.



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4.Per contra, the learned Government Advocate (Crl.Side) while opposing for grant of bail to the petitioner, reiterated the case of the prosecution and submitted that since the case is pending for trial, if the petitioner is released on bail, there is every possibility of him absconding again and he may not be available for trial.

5. 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.

6. Considering the aforesaid facts; the period of incarceration; the fact that the petitioner is on bail in other case; and that since further custody is not required, this Court is inclined to grant bail to the petitioner with stringent 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 XIII Metropolitan Magistrate, Egmore, Chennai.



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[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 trial Court on all hearing dates until further orders;

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

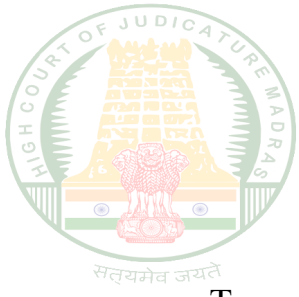
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

20.02.2025

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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai.

3.The XIII Metropolitan Magistrate,
Egmore,
Chennai.

4.The Central Prison-II,
Puzhal.



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SUNDER MOHAN. J,

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