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CRL O.P. No.4384 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. No.4384 of 2025

Manoharan

... Petitioner / Accused

Versus

State Rep. By
Inspector of Police,
H6, RK Nagar Police Station,
Chennai.
(Crime No.333 of 2018)

... 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.2450 of 2018 in Crime No.333 of 2018 pending on the file of the learned XV M.M., George Town, Chennai.

For Petitioner : Mr. S. Ramachandran.

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



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ORDER

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 30.12.2024, seeking bail in C.C.No.2450 of 2018 pending on the file of the learned XV Metropolitan Magistrate, George Town, Chennai.

2. The case of the prosecution is that the petitioner was facing trial for the offence under Sections 323, 506(ii) of IPC and Section 4 of TNPHW Act in C.C.No.2450 of 2018; that he had not appeared before the trial Court and hence a non bailable warrant was issued on 21.11.2024 and the same was executed on 30.12.2024 and the petitioner is still in custody.

3.The learned counsel for the petitioner would submit that the petitioner forgot the hearing date and his absence before the trial Court is neither willful nor wanton. In any case, the petitioner has been in custody from 30.12.2024. 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; 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 XV Metropolitan Magistrate, George Town, Chennai.

[a] the sureties shall affix their photographs and



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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 report before the trial Court once a week i.e., on monday and 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.

19.02.2025

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To



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

2.Inspector of Police,
H6, RK Nagar Police Station,
Chennai.

3.The XV Metropolitan Magistrate,
George Town,
Chennai.

4.The Central Prison-II,
Puzhal.



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SUNDER MOHAN. J,

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