



Crl.O.P.No.5934 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5934 of 2025

Ussain

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-2, Ayyanavaram Police Station,
Chennai District.
(Crime No.413 of 2022).

... Respondent

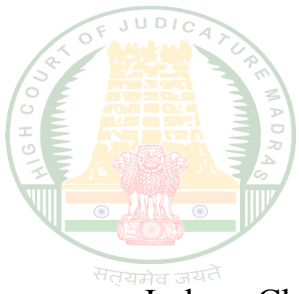
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.413 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar

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 13.02.2025 seeking bail in S.C.No.76 of 2023 pending trial on the file of the learned VII Additional Sessions



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Judge, Chennai, in connection with Crime No.143 of 2022 registered for the offences punishable under Sections 120(b), 302, 147, 148, 465, 471, 302 read with Section 149 of IPC.

2. The petitioner is facing prosecution for the offence under Sections 120(b), 302, 147, 148, 465, 471, 302 read with Section 149 of IPC. The petitioner was initially granted bail during the investigation. During the trial, for his non-appearance, a non-bailable warrant was issued on 04.02.2025 and thereafter, on 13.02.2025, petitioner surrendered and filed a petition for recalling the NBW, however, the said petition was dismissed and the petitioner was remanded to judicial custody.

3. Learned counsel appearing for the petitioner submitted that, petitioner's non appearance before the trial Court is neither wilful nor wanton and that he had appeared on the next hearing date and filed a petition for recall of warrant and the sought for bail. He further submitted that, in any case, petitioner is in custody from 13.02.2025 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.



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4. Learned Government Advocate (Crl.Side) on instructions submitted that, the case is now posted for framing of charges and the accused were taking turns to abscond and ere delaying the trial proceedings and hence the learned Judge had issued NBW.

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. Considering, the aforesaid facts; the period of incarceration; petitioner is on bail in other cases and since further custody is not required, 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 **VII Additional City Civil Court, 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



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ensure their identity;

[b] the petitioner shall report before the trial Court on all working day 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.

[g] If the respondent fails to comply with the conditions, it is open to the learned Judge to secure the petitioner through Non Bailable Warrant and pass orders in accordance with law.

04.03.2025

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To
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1. VII Additional City Civil Court,
Chennai.
2. The Inspector of Police,
K-2, Ayyanavaram Police Station,
Chennai District.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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