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Crl.O.P.No.8234 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8234 of 2025

Dinesh

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
F2 – Egmore Railway Police Station,
Chennai.

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in S.C.No.401 of 2024 on the file of the learned Principal Sessions Judge, Chennai.

For Petitioner : Mr.E.Gopalakrishnan

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



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ORDER

The petitioner, who is facing trial for the offence under Sections 294(B), 323, 506(I) of IPC @ 302 of IPC in S.C.No.401 of 2024 on the file of the learned Principal Sessions Judge, Chennai, did not appear before the Trial Court on 04.09.2024 and a Non-Bailable Warrant has been issued and thereafter, the same was executed on 23.10.2024 and remanded to judicial custody and hence, seeks bail.

2.The learned counsel for the petitioner would submit that for his non-appearance, the petitioner has suffered incarceration from 23.10.2024 and in any case, considering the period of incarceration, further custody of the petitioner is not required and sought for bail.

3.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that within a period of two months of issuance of NBW, the petitioner was arrested and in judicial custody from 23.10.2024 and that there are three previous cases pending against the petitioner.



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4.Considering the aforesaid facts, the fact that he is incarcerated from 23.10.2024, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

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

[b] the petitioner shall report before Trial Court everyday at 10.30 a.m., until further orders;

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



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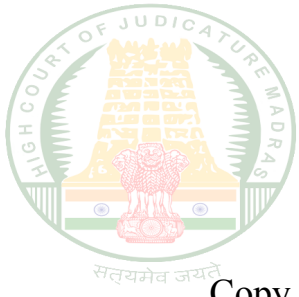
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

20.03.2025

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- 1.The Inspector of Police,
F2 – Egmore Railway Police Station,
Chennai.
- 2.The Principal Sessions Judge, Chennai.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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