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Crl.O.P.No.8889 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8889 of 2025

1. Rajendran
2. Rajesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
R-10 M.G.R.Nagar Police Station.
(Crime No.635 of 2012).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.635 of 2012, pending investigation on the file of the respondent Police.

For Petitioners : M/s.S.Saravanan

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who was arrested and remanded to judicial custody on 27.01.2025 seeking bail in S.C.No.469 of 2023 pending trial on the file of the learned V Additional City



Crl.O.P.No.8889 of 2025

Civil and Sessions, Chennai, in connection with Crime No.635 of 2012 registered for the offences punishable under Section 399 of IPC.

2. The petitioners is facing prosecution for the offence under Section 399 of IPC. The petitioners were initially granted bail during the investigation. During the trial, for their non-appearance, a non-bailable warrant was issued on 11.09.2024 and they were arrested on 27.01.2025.

3. Learned counsel appearing for the petitioners submitted that, the petitioners' non appearance is neither wilful nor wanton and in any case, petitioners are in custody from 27.01.2025 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioners have no previous cases.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused



Crl.O.P.No.8889 of 2025

the materials available on record.

6. Considering, the aforesaid facts; the period of incarceration; the fact that the petitioners have no bad antecedents and since further custody is not required, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their 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 **V Additional City Civil and Session 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 ensure their identity;

[b] the petitioners shall report before the trial Court on all working days at 10.30 a.m., until further orders;

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



CrI.O.P.No.8889 of 2025

WEB COPY

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

26.03.2025

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Crl.O.P.No.8889 of 2025

WEB COPY

To

- 1.V Additional City Civil and Sessions Court, Chennai.
- 2.The Inspector of Police,
R-10 M.G.R.Nagar Police Station.
3. The Superintendent,
Puzhal Prison.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.8889 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.8889 of 2025

26.03.2025