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Crl.O.P. No.10590 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.10590 of 2025

Anbu @ Anbalagan

... Petitioner/ Accused No.3

Vs.

The State Rep. By,
The Inspector of Police,
N-1 Royapuram Police Station,
Chennai.
(Crime No.1976 of 1997)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, pending investigation in C.C.No.5574 of 1998 on the file of XVI Metropolitan Magistrate at George Town in connection with Crime No.1976 of 1997 on the file of the respondent police.

For Petitioner : Mr. P. Krishna Moorthy

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



CrI.O.P. No.10590 of 2025

WEB COPY

ORDER

Petition seeking bail in respect of C.C.No.5574 of 1998 on the file of XVI Metropolitan Magistrate at George Town in connection with Crime No.1976 of 1997 registered for the alleged offences punishable under Sections 120(B), 364(A) of IPC, is on board for consideration.

2. The case of the prosecution is that the petitioner/ A3 in C.C.No.5574 of 1998 was not appeared before the Trial Court on 17.12.2020, hence the Trial Court issued NBW against the petitioner and subsequently, he was arrested and remanded on 24.02.2025.

3. The learned counsel appearing for the petitioner submitted that the petitioner was initially arrested in the year 1997 in Crime No.1976 of 1997 and thereafter, he was released on bail. He further submitted that the petitioner is now residing in MKB Nagar, Chennai and he was facing several other cases. Since the petitioner had not appeared before the Trial Court in C.C.No.5574 of 1998, NBW was issued against the petitioner and subsequently, he was remanded on 24.02.2025. He further submitted that the



Crl.O.P. No.10590 of 2025

petitioner is ready to abide by any stringent conditions that may be imposed by this Court and prayed for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent on instruction submitted that there are totally 8 accused in this case and the petitioner has been arrayed as A3 in C.C.No.5574 of 1998 and the case is pending from the year 1998. He further submitted that the petitioner has not appeared for the trial, hence NBW was issued against him, thereby he was arrested and remanded. He further submitted that the petitioner was involved in several other cases registered in the jurisdiction of Kodungaiyur and MKB Nagar police stations. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the fact that the case is of the year 1998 and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail with the following conditions:



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(1) The petitioner shall execute a bond for **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate, George Town, Chennai;**

(2) The petitioner shall appear before the Trial Court on all hearing dates; and further the petitioner shall appear before the respondent police on every Monday at 10:30 a.m., except on the hearing dates falls on Monday, until further orders;

(3) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(4) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

(5) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

(6) The petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

(7) On breach of any of the aforementioned conditions, the



Crl.O.P. No.10590 of 2025

WEB COPY

learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

(8) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.05.2025

ari/ stn

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N-1 Royapuram Police Station,
Chennai.
(Crime No.1976 of 1997)
3. The Superintendent,
Central Prison, Puzhal, Chennai.



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Crl.O.P. No.10590 of 2025

M. NIRMAL KUMAR, J.

ari/ stn

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.10590 of 2025

14.05.2025