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Crl.O.P.No.14747 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14747 of 2025

Vijayakumar @ Otta Viji

... Petitioner

Vs.

State represented by,
The Inspector of Police,
J-7, Velachery Police Station,
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in S.C.No.99 of 2018 pending on the file of the learned XV Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 01.04.2025 pursuant to the non-bailable warrant issued in S.C.No.99 of 2018 on the file of the XV Additional City Civil Court, Chennai, in connection with Crime No.1554 of 2017 registered on the file of the respondent Police, seeks bail.



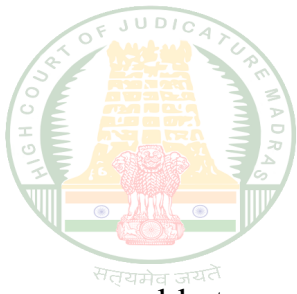
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2. It is the case of jumped bail. Since the petitioner failed to appear before the trial Court in S.C.No.99 of 2018, a non-bailable warrant of arrest was issued against him on 21.06.2024 and pursuant to the same, he was arrested and remanded to judicial custody on 01.04.2025.

3. Learned counsel appearing for the petitioner submitted that the witnesses LW2 and LW3 have not supported the case. He further submitted that the petitioner was regularly appearing before the Court, however, due to the periodical adjournments, there is no progress in the trial. He also submitted that since the petitioner is a daily wage, he had instructed the counsel to file the necessary petition for his non appearance, whereas, only later, he came to know that the counsel had failed to file a petition under Section 317 Cr.P.C., thereby, a non-bailable warrant was issued against the petitioner and he was arrested on 01.04.2025. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting bail to the petitioner stating that there are 10 accused and 20 witnesses in this case and the case now stands posted on 04.06.2025 for examination of LW11 to LW13, thereby, the prosecution will be



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able to complete the trial within a period of two months. He further submitted that the non-bailable warrant pending against A5 and A9 were also executed and all other accused are regularly appearing before the court.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration suffered by the petitioner, 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.5,000/- (Rupees Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **XV Additional Judge, City Civil Court, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall appear before the learned trial Judge, on every Monday at 10.30 a.m., until further orders and he shall also appear before the trial Court on all hearing dates without fail;



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[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] 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;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.05.2025

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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 the official website of this Court will be watermarked and will also have a QR code.



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To

1. The XV Additional Judge, City Civil Court,
Chennai.
2. The Inspector of Police,
J-7, Velachery Police Station,
Chennai
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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