

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2025

CORAM

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.No.14733 of 2025

Vadivel

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
H5 New Washermenpet Police Station,
Chennai.
(Crime No.465 of 2020).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in C.C.No.2559 of 2012 before the learned XV Metropolitan Magistrate, George Town, Chennai in Crime No.465 of 2020, pending on the file of the respondent Police.

For Petitioner : Mr.S.Chandrasekar

For Respondent : Ms.J.R.Archana
Government Advocate (Crl.Side)

ORDER

The petitioner seeks bail in C.C.No.2559 of 2012 on the file of XV Metropolitan Magistrate, George Town, Chennai, in connection with Crime

No.465 of 2020 for the offences punishable under Sections 341, 353, 336, 427, 506(2) of IPC. The petitioner has been remanded to custody on 13.03.2025 on execution of NBW issued against him.

2.It is a case of jumped bail. The petitioner is an accused in C.C.No.2559 of 2012 on the file of XV Metropolitan Magistrate, George Town, Chennai. The petitioner was already granted bail, however, due to non appearance before the Court, Non Bailable Warrant has been issued against him on 06.01.2023 and the same was executed on 13.03.2025.

3.Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner was unable to appear before the Trial Court, as a result of non appearance, NBW was issued against him. He further submitted that the petitioner has been in custody from 13.03.2025. Hence, he prays for grant of bail to the petitioner.

4.Learned Government Advocate (Crl. Side) for the respondent submitted that the petitioner was already granted bail and due to non appearance,

NBW was issued against the petitioner and he was secured only on 13.03.2024.

However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that the petitioner was already granted bail and thereafter, due to his non appearance before the Trial Court, NBW was issued and the same has been executed, and the petitioner is in judicial custody from 13.03.2025 and also considering all other factors, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, George Town, Chennai and on further conditions that;

[b] the Petitioner shall report before the Trial Court on all working days at 10.30 am., for a period of one month without fail.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

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

09.05.2025

drl

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.

To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H5 New Washermenpet Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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L.VICTORIA GOWRI, J.

drl

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