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CrI.O.P.No. 15571 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CRL.O.P.No.15571 of 2025

Arun Kumar

... Petitioner/Accused

Versus

The State Rep by its
The Inspector of Police,
P-3 Vyasarpadi Police Station,
Chennai 600039.

(Crime No. 413 of 2019)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in S.C.402 of 2019 in Crime No.413 of 2019 on the file of the Hon'ble XXII Additional Sessions Judge, Chennai.

For Petitioner : Mr.R.Kamesh

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)

ORDER

The petitioner, who is facing trial for the offence under Section 147, 148, 341, 294(b), 302, 506(ii) r/w Section 149 of IPC on the file of XXII Additional Sessions Judge, Chennai, did not appear before the Trial Court and a Non-Bailable



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Warrant has been issued on 14.03.2025 and thereafter, the same was executed on 30.04.2025 and remanded to judicial custody and hence, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.402 of 2019 on the file of the XXII Additional Sessions Judge, Chennai. He further submitted that since the petitioner's mother's health condition was serious and he was taking care of her, he was unable to appear before the trial Court, and he was issued with the non-bailable warrant on 14.03.2025 and pursuant to the same, he was arrested on 30.04.2025. He also submitted that the petitioner will undertake that hereafter he will regularly appear before the trial court on all hearing dates and also stated that he is prepared to comply with any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to the non appearance of the petitioner before the Trial Court, NBW was issued on 14.03.2025 and the same has been executed on 30.04.2025.



4. Heard learned counsel on either side and perused the materials available

on record.

5. Considering the aforesaid facts, the period of incarceration, and the undertaking given by the petitioner that he is ready to co-operate for speedy disposal of the trial, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **X Metropolitan Magistrate, Egmore, 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 appear before the trial Court on all hearing dates;

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

[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



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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.

21.05.2025

dpa/skr

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



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1.The X Metropolitan Magistrate, Egmore, Chennai.

2. The Superintendent, Central Prison-II,
Puzhal, Chennai.

3.The The Inspector of Police,
P-3 Vyasarpadi Police Station,
Chennai 600039.

4.The Public Prosecutor,
High Court, Madras.

N.SENTHILKUMAR, J.

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