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Crl.O.P.No.20329 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20329 of 2025

Sampath

... Petitioner/ Accused No.2

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
N2, Kasimedu Police Station.
(Cr.No.877 of 2018)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
S.C.No.21 of 2022 on the file of X Additional Judge, Chennai.

For Petitioner : M/s.G.Ezhilbalaji

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 17.03.2025, seeks bail in S.C.No.21 of 2022 for the offence punishable
under Sections 294(b), 324, 307, 506(2) read with Section 3 of IPC in
connection with Crime No.877 of 2018, registered on the file of the
respondent.



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2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.21 of 2022 on the file of the learned X Additional Judge, Chennai. He further submitted that since the petitioner was facing trial in other case, he was unable to appear before the trial Court, and he was four times issued with the non-bailable warrant and he was arrested on 17.03.2025. 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. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the case is pending from the year 2018. He further submitted that, LW1, who is the victim and LW3, who is the eyewitness are to to be examined and LW2 died and further, LW4 to LW8 are not supporting the case of the prosecution. Hence, he oppose for grant of bail to the petitioner.



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

5. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, 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 related sureties**, each for a like sum to the satisfaction of the learned **X Additional 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 report before the trial Court on every Tuesday at 10.30.a.m., and on all hearing dates till the completion of trial without fail;**

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



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[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.

29.07.2025

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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.

To

- 1.X Additional Court, Chennai.
- 2.The Inspector of Police,
N2, Kasimedu Police Station.
- 3.The Central Prison, Puzhal, Chennai
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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