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CrI.O.P.No.32271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.32271 of 2024

M.Gopal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P1-Pulianthope Police Station,
Chennai.
(Crime No.1466 of 2005)

... 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.345 of 2024 pending on the file of the learned I Additional Sessions
Judge, Chennai.

For Petitioner : Mr.S.Muralidharan

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

ORDER

Petition seeking bail in respect of S.C.No.345 of 2024 pending on
the file of the learned I Additional Sessions Judge, Chennai, in connection



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with Crime No.1466 of 2005 registered for the offences punishable under Sections 353, 332, 307, 427 & 506(ii) of IPC, is on board for consideration.

2. Learned counsel for the petitioner submits that it is the case of the year 2005 and the petitioner is an accused facing trial in S.C.No.345 of 2024 pending on the file of the learned I Additional Sessions Judge, Chennai. He further submits that the petitioner was regularly appearing before the court till 2016, however, since he was taking treatment for his heart ailments at Sree Abirami Hospital, he was unable to appear before the court and further, since the learned counsel appearing for him failed to file application under Section 317 Cr.P.C., the non-bailable warrant came to be issued against him on 17.10.2016. He also submits that previous cases registered against the petitioner were also disposed and therefore, the petitioner, who is in custody from 27.08.2024, undertakes that he will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submits that the petitioner, who



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is facing trial in S.C.No.345 of 2024 before the learned I Additional Sessions Judge, Chennai, has failed to appear before the trial Court on 17.10.2016, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed only on 27.08.2024. He further submits that there are 10 witnesses in this case and the case now stands posted on 20.01.2025 for recording evidence of LW1 to LW3.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties** (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned **I Additional Sessions Judge, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned I Additional Sessions Judge, Chennai, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during 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 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 of B.N.S.

02.01.2025

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To

1. The I Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
P1-Pulianthope Police Station,
Chennai.
3. The Superintendent,
Central Prison - II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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