



Crl.O.P.No.32032 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

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

Crl.O.P.No.32032 of 2024

Balaji

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D4, Zam Bazaar Police Station,
Chennai.
(Crime No.45 of 2022)

... Respondent

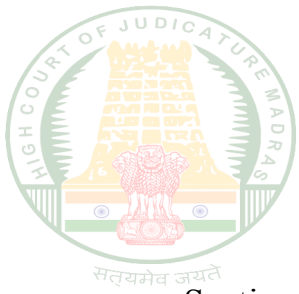
PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in in S.C.No.208 of 2023 pending on the file of the learned III Additional Sessions Judge, Chennai, in connection with Crime No.45 of 2022.

For Petitioner : Mr.C.Jagan

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

ORDER

Petition seeking bail in respect of S.C.No.208 of 2023 pending on the file of the learned III Additional Sessions Judge, Chennai, in connection with Crime No. 45 of 2022 registered for the offences punishable under



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Sections 341, 294(b), 323, 384, 336, 427, 324 and 307 IPC is on board for consideration.

2. Learned counsel for the petitioner submits that the petitioner is an accused facing trial in S.C.No.208 of 2023 on the file of the learned III Additional Sessions Judge, Chennai. He further submits that the petitioner was regularly appearing before the trial court on all hearing dates, however, due to his illness, he was unable to appear before the trial court on 27.09.2024, thereby, the non bailable warrant was issued against him and on coming to know about the same, the petitioner himself had voluntarily surrendered on 13.11.2024. He also submits that the petitioner 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/A2, who is facing trial in S.C.No.208 of 2023 in connection with Crime No. 45 of 2022, was failed to appear before the trial Court on 27.09.2024, thereby, the non-bailable warrant came to be issued against him and he himself



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surrendered before the III Additional District Court on 13.11.2024. He further submits that there are 12 witnesses in this case and the case now stands posted on 21.01.2025 for framing of charges. He also submits that seven previous cases are pending against the petitioner

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent 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 of the petitioner), each for a like sum to the satisfaction of the learned

III 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 Bank pass Book to ensure their identity;

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



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A.D.JAGADISH CHANDIRA., J.

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[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.

07.01.2025

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To

1. The III Additional Sessions Judge, Chennai
2. The Inspector of Police,
D4, Zam Bazaar Police Station,
Chennai.
4. The Superintendent,
Central Prison, Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

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