
(2024) 03 MAD CK 0118

Madras High Court

Case No: Criminal Original Petition No. 7913 Of 2024

Ramki @ Ramkumar

APPELLANT

Vs

State

RESPONDENT

Date of Decision: March 28, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 229A, 294(b), 302, 341, 506(ii)

Hon'ble Judges: C.V.Karthikeyan, J

Bench: Single Bench

Advocate: R. Rajadurai, L.Baskaran

Judgement

C.V.Karthikeyan, J

1. The petitioner in P.R.C.No.59 of 2022 on the file of XV Metropolitan Magistrate, George Town, Chennai, seeks bail for the offences registered by the respondent police under Sections 341, 294(b), 302, 506(ii) r/w 34 of I.P.C in Crime No.48 of 2019.

2.The petitioner was absconding from judicial process, hence Non Bailable Warrant was issued on 28.06.2023. Thereafter, he had arrested in yet another case and so far as the Crime No.48 of 2019 is concerned he was taken into judicial custody on 11.03.2024. However, he has been in custody from 29.07.2023.

3. The learned Government Advocate(Crl side) appearing for the respondent submitted in view of the absence of the petitioner the matter was split up and as against A1 and A2 it is pending before the V Additional and Sessions Court and so far as this petitioner is concerned it is now pending before the XV Metropolitan Magistrate Court, George town, Chennai in P.R.C.No.59 of 2022.

4. The learned counsel for the petitioner submitted that out of two sureties one surety will be blood related surety and another will be a solvent surety. The learned Judicial Magistrate must take up the responsibility of testing the sureties.

5.Taking all factors into consideration and also the fact that the petitioner should be given an opportunity to defend during the trial process I am inclined to grant bail to the petitioner subject to the following 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 fresh sureties(out of which one surety should be blood related surety and another should be a solvent surety), each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate Court, George town, Chennai and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the XV Metropolitan Magistrate Court, George town, Chennai everyday at 10.30 a.m., till completion of trial, apart from the Court 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 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 229A IPC.