



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1050 of 2019

SHANMUGAM

... PETITIONER / 2nd ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.
Crime No.970/2004

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.VENKATESH Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 07.12.2018 for the offences punishable under Sections 392 r/w 397 & 506(ii) of IPC, in S.C.No.40 of 2005, pending on the file of the Assistant Sessions Court (Sub Court), Palani and hence, he seeks bail.

2.The petitioner was absent for trial on 24.04.2018 during the trial in S.C.No.54 of 2014 on 17.04.2018 pending on the file of the Assistant Sessions Court (Sub Court), Palani. Thereby, Non Bailable Warrant came to be issued on 24.04.2018. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 07.12.2018.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent. The petitioner was not able to appear before the trial court on 24.04.2018. The learned counsel undertakes that the petitioner shall appear before the court below regularly on all future hearing dates without fail. Hence, he prays for grant of bail to the petitioner.

4. Heard the learned Government Advocate(Crl.Side) appearing for the state.



5. Considering the above facts and circumstances and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on 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 Assistant Sessions Court (Sub Court), Palani and on further condition that:

[a] the petitioner shall appear before Mahila Fast Track Court, Theni on all hearing dates without fail.

[b] the petitioner shall not tamper with evidence or witness either during trial.

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

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR Can be registered under Section 229 A IPC.

sd/-
24/01/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

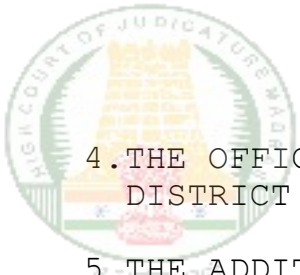
TO

1. THE ASSISTANT SESSIONS
COURT (SUB COURT), PALANI.

2. THE JUDGE, MAHILA FAST TRACK COURT, THENI.

3. THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,

<https://hcservices.courts.gov.in/hcservices/>
DINDIGUL DISTRICT.



4.THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1. CC to Mr.D.VENKATESH Advocate SR.No.1315

ORDER

IN

CRL OP(MD) No.1050 of 2019

Date :24/01/2019

TK/VR/SAR-2/24.01.2019/3P/7C