



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

Thursday, the Twenty First day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2660 of 2019

VIVEK

... PETITIONER / ACCUSED No. 2

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.317 OF 2011

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PITCHAI MUTHU 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 who was secured on 29.01.2019 and remanded to judicial custody on 30.01.2019 pursuant to the non-bailable warrant issued by the learned II Additional District and Sessions Court, Thanjavur, Thanjavur District, for the offence under Sections 120 (b), 302, 201 and 506(ii) IPC in Cr.No.317 of 2011, on the file of the respondent police, seeks bail.

2.The petitioner was implicated for the major offence under Section 302 IPC. He was arrested and enlarged on bail and thereafter, for his livelihood he went to abroad, due to which he was not in a position to appear before the Court below and hence, the Court below issued Non-Bailable Warrant on 14.06.2016. After returning from the abroad, he was secured by the Law Enforcing Agency on 29.01.2019 and remanded to judicial custody on 30.01.2019.

3.The learned counsel appearing for the petitioner would submit the petitioner did not have intention to drag on the proceedings and that the petitioner is prepared to appear before the Court below till the disposal of the case.

4.The learned Government Advocate(Crl.side) would submit that 25 witnesses were examined and case is listed every week for disposal.



5. Considering the nature of the case and considering the fact that the petitioner is prepared to appear before the Court below till the disposal of the case, I am inclined to grant bail to the petitioner.

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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 sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned II Additional District and Sessions Court, Thanjavur, Thanjavur District and on further condition 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 report before the learned II Additional District and Sessions Court, Thanjavur, Thanjavur District, till the disposal of the case;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/02/2019

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

TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS COURT,
THANJAVUR, THANJAVUR DISTRICT.

2 THE INSPECTOR OF POLICE
<https://hcservices.ecourts.gov.in/hcservices/>
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

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+1 CC to MR.M.PITCHAI MUTHU, Advocate SR.No.3481

ORDER

IN

CRL OP (MD) No.2660 of 2019

Date :21/02/2019

MSI/PN/SAR-III/21.02.2019-3P/6C