



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3046 of 2019

IRULAPPARAJ

... PETITIONER / ACCUSED No.5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
NALATINPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
Crime No.286/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.BHARATHI Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 12.02.2019 for the offences under Sections 147,148,294(b),323,324, 307 and 506(i) IPC , in PRC No. 42 of 2015 pending on the file of the Judicial Magistrate No.I, Court, Kovilpatti. He seeks bail.

2. The petitioner was absent during the trial in PRC No. 42 of 2015 on 09.12.2016 pending on the file of the file of the Judicial Magistrate No.I, Court, Kovilpatti. Thereby, Non Bailable Warrant came to be issued on 09.12.2016. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 12.02.2019

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 09.12.2016. 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 Additional Public Prosecutor appearing for the state.
<https://hcservices.ecourts.gov.in/hcservices/>



5. Considering the nature of the case and considering the period of incarceration, I am inclined to grant bail to the petitioner. 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 Judicial Magistrate No.I, Kovilpatti 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 trial court daily at 10.30 a.m until the case is committed to the Court of sessions;

(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/-
27/02/2019

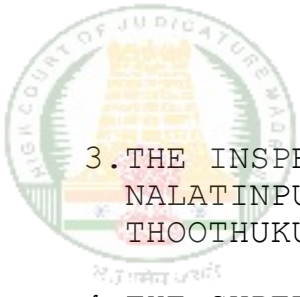
/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO I,
KOVILPATTI

<https://hcservices.reports.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3. THE INSPECTOR OF POLICE,
NALATINPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to M/S.C.BHARATHI Advocate SR.No.3854

ORDER

IN

CRL OP(MD) No.3046 of 2019

Date : 27/02/2019

TK/JC/SAR-3/27.02.2019/3P/7C