



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

Wednesday, the Tenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5337 of 2019

KAMALAKUMAR

... PETITIONER / ACCUSED No. 8

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
IN CRIME NO 285 of 2016

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.AROKIYA SELVA RAMESH 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 :-

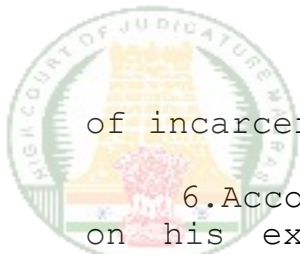
The petitioner who was arrested and remanded into the judicial custody from 22.02.2019 pursuant to the Non Bailable Warrant issued by the Judicial Magistrate, Palani, on 20.02.2018 for the non appearance of the petitioner in P.R.C.No.26/2017 pending on his file for the offence under Section 392 @ 395 of IPC, in Cr.No.285 of 2016 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was implicated for the offence under Section 392 @ 395 IPC. Now the case was taken on file as PRC.No.26 of 2017 by the learned Judicial Magistrate, Palani. When the case was posted for hearing, since the petitioner has not appeared before the trial Court, the trial Court issued a Non Bailable Warrant against the petitioner on 20.02.2018 and the Non Bailable Warrant was executed on 22.02.2019.

3.The learned counsel appearing for the petitioner would submit that due to illness, the was unable to appear before the trial Court on that day. Accordingly, he prayed for bail. The learned counsel further contended that the petitioner is ready to abide by any of the condition that is to be imposed by this Court.

4.The learned Additional Public Prosecutor submits that there is no previous case is pending against this petitioner.

5.Considering the nature of the case and considering the period



of incarceration, I am inclined to grant bail to the petitioner.

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 Judicial Magistrate, Palani, 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 Judicial Magistrate, Palani, daily at 10.30 a.m. until further orders;

(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/-

10/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, PALANI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION, DINDIGUL DISTRICT.

4 THE OFFICER IN-CHARGE, DINDIGUL PRISON.

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

+1. CC to MR.S.AROKIYA SELVA RAMESH Advocate SR.No.6469

ORDER IN

CRL OP(MD) No.5337 of 2019

Date :10/04/2019