



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 25/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8756 of 2019

T.Manikandan

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
(Crime No.228 of 2012).

... Respondent/Complainant

For Petitioner : M/s.I.Pinaygash,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.228 of 2012 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/Accused No.2 seeking bail for the alleged offence under Sections 457, 392 and 397 of IPC.

2.The petitioner was absent during the trial in S.C.No.54 of 2019, pending on the file of the Mahila Court, Thanjavur. Thereby, Non Bailable Warrant came to be issued on 30.01.2019. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 30.01.2019.

3.The learned counsel for the petitioner has submitted that the petitioner is an innocent. He further submitted that the respondent has filed charge sheet showing that the petitioner was absconding and hence the learned Judicial Magistrate No.II, Kumbakonam has issued Non Bailable Warrant on 17.08.2015 and subsequently, Non Bailable Warrant was executed on 30.01.2019 and from that date onwards the petitioner is in custody. He further submitted that since



the petitioner did not know about this case, he could not appear before the learned Judicial Magistrate. He further submitted that now the case has been committed to the Mahila Court, Thanjavur and therefore, he prayed to grant bail to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for the respondent has submitted that already the petitioner is having more than 21 previous cases and hence, he strongly opposed this petition.

5. The learned counsel for the petitioner by way of reply has submitted that in the previous cases, the petitioner is on bail.

6. Taking into consideration of the fact that the charge sheet was filed showing that the petitioner was absconding and thereafter Non-Bailable Warrant was executed on 30.01.2019 and from that onwards, the petitioner is in custody and in the previous cases, the petitioner is on bail, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m for a period of one month and thereafter, as and when required for the interrogation.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trail.

[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.

sd/-

25/06/2019

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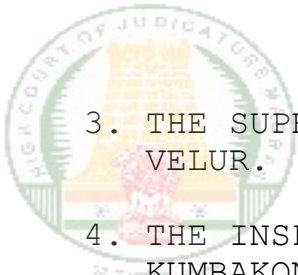
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

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

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



3. THE SUPERINTENDENT, CENTRAL PRISON,
VELUR.

4. THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.I.PINAYGASH Advocate SR.No.10401

ORDER

IN

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Date :25/06/2019

MS/VR/SAR-4/25.06.2019/3P.7C