



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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

WEB COPY

PRESENT

CRL OP(MD) No.6539 of 2019

ULAGAMUTHU,

... PETITIONER / ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE,
SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DT.
(CRIME.NO.7 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.MUTHUPANDI 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 :-

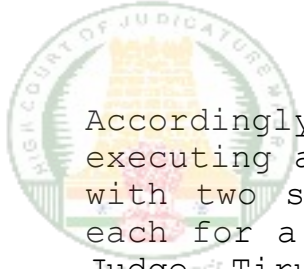
The petitioner is in judicial custody since 31.08.2018 for the offences under Sections 147,148, 294(b), 307 and 506(i) IPC ,in S.C.No. 346 of 2018 pending on the file of the learned Sub Ordinate Judge, Tiruchendur He seeks bail.

2. The petitioner was absent during the trial in S.C.No. 346 of 2018 on 03.01.2019 pending on the file of the file of the learned Sub Ordinate Judge, Tiruchendur. Thereby, Non Bailable Warrant came to be issued on 03.01.2019. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 31.08.2018

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 03.01.2019. 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.

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 Sub Ordinate Judge, Tiruchendur 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 Sessions Court daily at 10.30 a.m until 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/-

30/04/2019

/ TRUE COPY /

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

TO

1 THE SUB INSPECTOR OF POLICE, TIRUCHENDUR.

2 THE INSPECTOR OF POLICE,
SEITHUNGANALLUR POLICE STATION, THOOTHUKUDI DT.

3 THE SUPERINTENDENT, PALAYAMKOTTAI PRISON, TIRUNELVELI.

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

+1. CC to MR.P.MUTHUPANDI Advocate SR.No.7913

PS/JC/SAR-2/30.04.2019/2P/6C

ORDER

IN

CRL OP(MD) No.6539 of 2019

Date : 30/04/2019