



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

Date : 22/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10252 of 2019

Vengu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No. 249 of 2019.

... Respondent/Complainant

For Petitioner : M/s.A.Mohan,
Advocate.

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

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

PRAYER :-

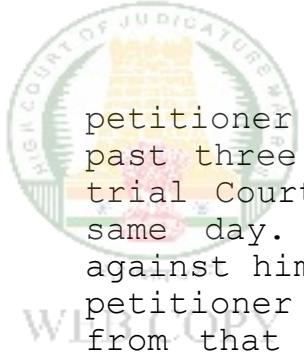
For Bail in Crime No. 249 of 2019 on the file of the
Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused
seeking bail for the alleged offence punishable under Section 229-A
of IPC, in Cr.No.249 of 2019.

2.Heard both sides.

3.The learned counsel for the petitioner has submitted that FIR
has been registered for an offence under Section 229 (A) IPC, on the
allegation that on 01.07.2014 one Malaisamy son of Subramaniyan
belongs to Vannikudi Village lodged a complaint and on his
complaint, a case in Cr.No.436 of 2014 has been registered against
the petitioner for the offences under Sections 294 (b, 324 and 506
(ii) of IPC and the same was taken on file in C.C.No.72 of 2015 on
the file of the Judicial Magistrate, Manamadurai. In the said case,
the present petitioner was released on bail on condition that he
should appear before the trial Court on every hearing without fail.
He further submitted that as per the condition imposed on him, the



petitioner has regularly appeared before the trial Court for the past three years. Only on 08.11.2018, he did not appear before the trial Court and non-bailable warrant was issued against him on the same day. Based on this, the present case has been registered against him under Section 294 (A) IPC. He further submitted that the petitioner was arrested by the respondent police on 06.07.2019 and from that day onwards, he is in custody and hence, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that since, the petitioner has not complied with the condition imposed on him regularly, the trial Court issued non-bailable warrant. On 08.11.2018 but even after 8 months he did not surrender before the concerned Magistrate and file a petition to re-call nbw and hence a case was registered on 06.07.2019 under Section 229-A IPC and only thereafter, the petitioner was arrested and remanded to judicial custody. Hence, he opposed for granting bail to the petitioner.

5.Taking into consideration the fact that original case, which was registered against the petitioner under Sections 294 (b), 324 and 506 (ii) of IPC was pending from the year 2015 and also the fact that the petitioner has regularly appeared before the trial Court for the past three years and only on 08.11.2018, he did not appear, for which , non-bailable warrant was issued against him and thereafter, the present case has been registered on 06.07.2019 under Section 229 (A) IPC and on the very same day, the respondent police has arrested the petitioner and remanded to judicial custody and from that day onwards he is in custody, 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 The Judicial Magistrate, Manamadurai.

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

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

d] the petitioner shall not tamper with evidence or witness 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
22/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
MANAMADURAI
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.MOHAN Advocate SR.No.12050

ORDER
IN
CRL OP(MD) No.10252 of 2019
Date : 22/07/2019

dss
TK/PN/SAR.2/23.07.2019/3P/7C