



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10485 of 2019

Kannan

... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.248 of 2019

... Respondent/Complainant

For Petitioner : M/s.R.Balamuruganantham,
Advocate.

For Respondent : Mrs.M.Anantha Devi Govt. Advocate (Crl. Side)

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

PRAYER :-

for bail petition in cr.no.248/2019 on the file of the
respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.1
seeking bail for the alleged offences under Section 299 (A) of IPC

2. The petitioner was absent during the trial in C.C.No. 257
of 2009 on 14.05.2013, pending on the file of the learned Judicial
Magistrate, Manamadurai, Sivagangai District . Thereby, Nonailable
Warrant came to be issued on 14.05.2013. Pursuant to the same, the
petitioner was arrested and remanded to judicial custody on
05.07.2019.

3. The learned counsel for the petitioner would submit that
the petitioner is innocent. The petitioner was not able to appear
before the trial court on 14.05.2013, due to lack of knowledge about
hearing date. 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. The learned Additional Public Prosecutor would submit that since the petitioner did not appear before the concerned Court, Non Bailable Warrant came to be issued on 14.05.2013 and the accused was arrested on 05.07.2019 and remanded to judicial custody. He further submitted that the main case is now posted for recording evidence of Investigating Officer. He further submitted that if the petitioner is released on bail he will not appear before the trial court. Hence he opposed to grant bail to the petitioner.

5. Taking into consideration of the allegations made against the petitioner and also taking into consideration the period of incarceration, and also considering the fact that the main case itself is now posted for recording evidence of Investigating Officer, 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 Judicial Magistrate, Manamadurai, Sivagangai District

[b] the petitioner shall report before the Judicial Magistrate, Manamadurai, on all working days at 10.30 A.M until further orders.

[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.

sd/-
02/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.

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. R. BALAMURUGANANTHAM Advocate SR.No.12747

ORDER
IN
CRL OP (MD) No.10485 of 2019
Date : 02/08/2019

aav

TK/VR/SAR.3/02.08.2019/3P/7C