



WEB COPY

CRL OP(MD). No.11165 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11165 of 2019

Manikandan

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
C.S.C.I.D., Virudhunagar.
(Crime No.359 of 2012).

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar, 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.359 of 2012 on the file of the Respondent Police.

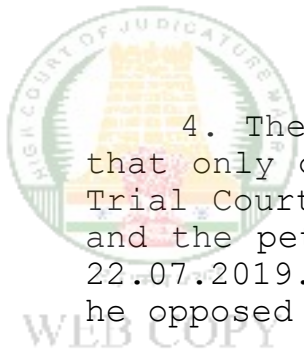
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.1 seeking bail for the alleged offence punishable under clause 6(4) of TNSC (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.359 of 2012.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that only on one hearing, due to his ill health, the petitioner did not appear before the Trial Court and hence Non Bailable Warrant was issued. Subsequently, the said NBW was executed and the petitioner was arrested and remanded to judicial custody on 22.07.2019 and from that day onwards he is in custody. He further submitted that the petitioner, in future, will appear before the trial court without any deviation hence, he prayed to grant bail to the petitioner.

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



4. The learned Additional Public Prosecutor has fairly conceded that only on one hearing the petitioner was not appeared before the Trial Court and hence, NBW was issued and the said NBW was executed and the petitioner was arrested and remanded to judicial custody on 22.07.2019. However, the investigation is still pending and hence, he opposed this petition.

5. Taking into consideration of the fact that only on one hearing the petitioner has not appeared before the Trial Court and NBW was issued and also the fact that the said NBW was executed and the petitioner was arrested on 22.07.2019 and that day onwards he is in custody and also the submission made by the learned counsel for the petitioner that hereinafter the petitioner will appear before the Trial Court regularly without any deviation, 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.I, Virudhunagar:

[b] the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[c] the petitioner shall appear before the concerned Court daily on all working days at 10.30 a.m., until further orders.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

sd/-
08/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

3. THE OFFICER INCHARGE, DISTRICT JAIL,
VIRUDHUNAGAR.

4. THE INSPECTOR OF POLICE,
C.S.C.I.D., VIRUDHUNAGAR.

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

+1. CC to M/S. T.LENIN KUMAR Advocate SR.No.13263

ORDER

IN

CRL OP(MD) No.11165 of 2019

Date :08/08/2019

MS/VR/SAR-1/08.08.2019/3P.7C