



WEB COPY

CRL OP(MD). No.11162 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.11162 of 2019

Kirubakaran

... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
Kumbakkonam East Police Station,
Thanjavur District
Crime No.528 of 2007

... Respondent/Complainant

For Petitioner : M/s. B.Jameel Arasu,
Advocate.

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

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

PRAYER :-

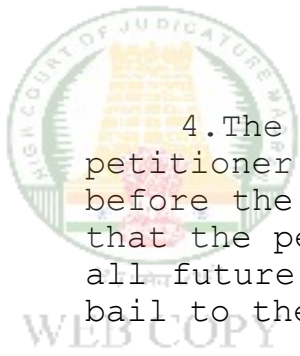
for bail in Crime No.528 of 2007 on the file of the Respondent Police

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 397 r/w.394 and 506(ii) of IPC.

2. Heard both sides

3. The petitioner was absent during the trial in S.C.No.264 of 2018, pending on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court) Thanjavur. Thereby, Non Bailable Warrant came to be issued on 08.10.2018. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 15.10.2018.



4.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 08.10.2018. 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.

5. The learned Additional Public Prosecutor would submit that if the petitioner is released on bail, it will affect the further progress of the case. Hence he opposed to grant bail to the petitioner.

6.Taking into consideration all the allegations made against the petitioner and also the fact that NBW was issued on 08.10.2018 and within seven days the said NBW was executed and the petitioner herein was arrested on 15.10.2018 and he is still 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 Judicial Magistrate, Kumbakonam.

[b] the petitioner shall report before the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court)Thanjavur 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/-
08/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
KUMBAKONAM

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

3. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
THANJAVUR.

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

5. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1. CC to Mr.B.JAMEEL ARASU Advocate SR.No.13265

ORDER

IN

CRL OP(MD) No.11162 of 2019

Date : 08/08/2019

aav

TK/VR/SAR.1/08.08.2019/3P/8C