



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

Date : 06/01/2020

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PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.60 of 2020

J.PACKIARAJ

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION, MUKKUDAL,
TIRUNELVELI DISTRICT.
(CRIME NO.211/2018).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s. N. Pragalathan,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 211/2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 07.12.2019 for the offences punishable under sections 294(b), 307, 506(2) of I.P.C., in Crime No.211 of 2018 on the file of the respondent police. He seeks bail.

3.The petitioner is facing trial in S.C.No.117 of 2019 on the file of the Assistant Sessions Court, Ambasamudram. He did not appear on 31.07.2018. Hence, non bailable warrant was issued



4. The petitioner's counsel states that the petitioner would henceforth appear regularly on all the hearing dates. If he is unable to appear, his counsel would represent him and file an application under Section 317 of Cr.P.C. In any event, on account of his absence, trial in this case will not be stalled or affected. If this undertaking is breached, the benefit of the order now passed will stand vacated automatically and the petitioner will be remanded to custody.

4. Recording the undertaking of the petitioner, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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 Assistant Sessions Court, Ambasamudram, Tirunelveli District.

(ii) the petitioner is directed to appear before the Court below on all the hearing dates.

(iii) 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].

sd/-
06/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ASSISTANT SESSIONS JUDGE,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.

2 THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION,
MUKKUDAL, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.



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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-216[I] dated 06/01/2020)

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ORDER

IN

CRL OP(MD) No.60 of 2020

Date :06/01/2020

RMI

JM/VR/SAR 3/06.01.2020/3P/6C