



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

Date : 13/01/2020

PRESENT

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

WEB COPY

CRL OP(MD). No.130 of 2020

Ilayaraja

... Petitioner/3rd Accused

Vs

State rep.by

The Inspector of Police,
Pudukottai Police Station,
Thoothukudi
(In Crime No.221 of 2019).

... Respondent/Complainant

For Petitioner : M/s.Antony S.Prabahar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

for Bail in Crime No.221 of 2019 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 22.07.2019 for the offences punishable under sections 147, 148, 341, 294(b), 302 and 506(ii) and 120(B) of I.P.C., in Crime No.221 of 2019 on the file of the respondent police. He seeks bail.

3.The learned Government Advocate (Crl.side) pointed out that the petitioner is having a huge number of cases to his credit, out of which, one is a murder case.

4.The learned counsel appearing for the petitioner states that the co-accused have already been granted bail by this Court.



5.The petitioner's counsel gives an undertaking that the petitioner would scrupulously appear on all hearing dates before the Sessions Court. If he is unable to appear, his counsel would represent him. In any event, on account of his abscondance, the trial in S.C.No.1 of 2020 on the file of the Second Additional Sessions Court, Thoothukudi, will not be affected.

6. Notwithstanding the strong opposition made by the learned Government Advocate (Crl.side), I am still granting bail only in view of the specific undertaking given by the petitioner herein. If the petitioner herein is abscond and there is no representation on his behalf through proper counsel, the benefit of this order now passed will stand vacated automatically and the bail will be cancelled and the petitioner will be remanded to custody.

7. Recording the said undertaking, 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 Judicial Magistrate No.III, Thoothukudi.

(ii) the petitioner is directed to appear before the Court below on all 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/-
13/01/2020

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III

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



2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER IN CHARGE,
SUB JAIL, PERURANI, THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE
PUDUKOTTAI POLICE STATION,
THOOTHUKUDI

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

+1. CC to M/S. ANTONY S.PRABAHAR Advocate SR.No.1635

ORDER
IN
CRL OP(MD) No.130 of 2020
Date :13/01/2020

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ES/VR/SAR 2/13.01.2020/3P/7C