



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

Date : 12/02/2020

PRESENT

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

CRL OP(MD). No.2468 of 2020

Shankar

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Thermal Nagar Police Station,
Tuticorin District.
Crime No.134 of 2013

... Respondent/Complainant

For Petitioner : M/s.V.Malaiyendran,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in S.C.No.444 of 2015 on the file of the I Additional District Judge, Tuticorin in connection with Crime No.134 of 2013 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 facing trial in S.C.No.444 of 2015 on the file of the I Additional District Judge, Tuticorin, for the offences under Sections 294(b), 342, 302, 387 and 506(ii) of I.P.C. NBW was issued against the petitioner on 28.02.2019. It was executed and the petitioner was secured on 19.08.2019. Hence, he seeks bail.

3. The petitioner through his counsel gives an undertaking that he will appear in all the future hearings without any default. If he is unable to appear, his counsel will represent him and file an application under Section 317 of Cr.P.C. On account of the petitioner's absence, trial will not be stalled. If this undertaking is breached, the order now passed will stand vacated automatically and the petitioner will be remanded to custody.



4. Recording the same, 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 I Additional District Court, Tuticorin.

(ii) on breach of any of the aforesaid condition, 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/-
12/02/2020

/ TRUE COPY /

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

TO

1.THE I ADDITIONAL DISTRICT JUDGE, TUTICORIN.

2.THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI,
TUTICORIN DISTRICT.

3.THE INSPECTOR OF POLICE,
THERMAL NAGAR POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.2910

ORDER
IN
CRL OP(MD) No.2468 of 2020
Date :12/02/2020

TK/VR/SAR.4/12.02.2020/2P/6C