



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.3907 of 2020

Karthik @ Cool Karthik

... Petitioner/Accused No.2

Vs

State Rep.by
The Sub-Inspector of Police,
Thirupatthur Town Police Station,
Sivagangai District.
(Crime No.177/2015)

... Respondent/Complainant

For Petitioner : M/s.A.V.Arun,
Advocate.

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

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

PRAYER :-

For Bail in P.R.C.No. 30/2015 on the file of the District Munsif-cum-Judicial Magistrate, Tiruppathur.

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 24.06.2019 following the execution of non bailable warrant in P.R.C.No.30 of 2015 on the file of the District Munsif cum Judicial Magistrate, Tiruppathur. The petitioner is implicated in the said case for the offence under Section 397 of IPC.

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 petitioner's 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 District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District.

(ii) the petitioner will appear before the Court below in all the future hearings without any default.

(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/-
28/02/2020

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPATHUR, SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE SUB-INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION, SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.V.ARUN, Advocate (SR-4416[I] dated 28/02/2020)

ORDER
IN
CRL OP(MD) No.3907 of 2020
Date :28/02/2020

MS/VR/SAR-2/28.02.2020/2P.7C