



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

Date : 05/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4153 of 2020

PALRAJ

... PETITIONER/SOLE ACCUSED

VS

THE STATE OF TAMIL NADU,
REP BY SUB INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION,
THROUGH PUBLIC PROSECUTOR
AT NAGERCOIL,
CRIME NO.420/2002.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.R.Sreenivasan,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

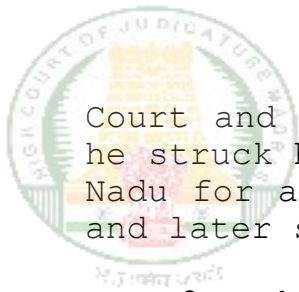
PRAYER :-

for bail in Crime No. 420 of 2002 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner herein is facing trial for offences under
Sections 341,324 and 326 of IPC. The crime is of the year 2002 and
the case has been taken on file in C.C. No.788 of 2018 on the file
of the learned Judicial Magistrate No.II, Padmanabhaburam.

2. When the matter was posted for examination of the
Investigation Officer after examining 10 listed witnesses on the
side of the prosecution the petitioner failed to attend the Court.
Hence Non Bailable Warrant was issued on 14.08.2019 and the same was
executed on 19.01.2020. The petitioner herein has filed the
petition for bail stating that he was regularly attending the



Court and during the month of August 2019, he went to Kerala where he struck by viral fever. Therefore he could not return to Tamil Nadu for attending the Court. Hence Non Bailable Warrant was issued and later secured on execution of warrant.

3. The learned counsel for the petitioner submit that the petitioner will regularly attend the Court and co-operate for completion of trial. He would also submit that the petitioner is in custody for the past 45 days and he is only bread winner of the family.

4. Taking into consideration the entire circumstances under which the petitioner failed to attend the Court and had been secured on execution of Non Bailable Warrant, this Court is inclined to grant bail to the petitioner by imposing stringent conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, out of which one shall be a blood related surety each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Padmanabhapuram.

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall report before the learned Judicial Magistrate No.II, Padmanabhapuram daily at 5.00p.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.

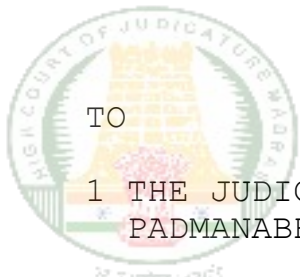
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
05/03/2020

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



TO

1 THE JUDICIAL MAGISTRATE NO.II
PADMANABHAPURAM.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE SUB INSPECTOR OF POLICE
KULASEKARAM POLICE STATION,
THROUGH PUBLIC PROSECUTOR
AT NAGERCOIL.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

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

+1 CC to M/s.M.R.SRINIVASAN, Advocate (SR-4803[I] dated
05/03/2020)

ORDER
IN
CRL OP(MD) No.4153 of 2020
Date :05/03/2020

AAV
JM/PN/SAR 3/05.03.2020/3P/7C