



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

Date : 11/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4406 of 2020

MAYILSAMY

... PETITIONER/ACCUSED NO.7

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUKOSTIYUR POLICE STATION,
IN CRIME NO. 43/ 2013,
SIVAGANGA DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M.S.Parthiban,
Advocate.

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

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

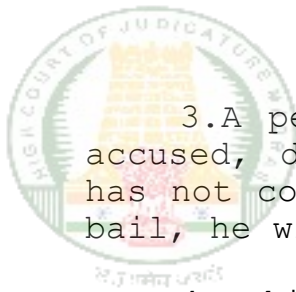
PRAYER :-

For Bail in Crime No. 43 of 2013 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner is arrayed as accused No.7 in the case, which is pending before the Additional District and Sessions Judge, Sivagangai, in S.C.No.06 of 2014, for the offences punishable under Sections 143, 188, 304(ii) of IPC r/w 3 and 7 of the Tamil Nadu Regulation of Jallikattu Act, 2009. Pending trial, this petitioner has failed to attend the Court on 17.02.2020, hence, Non-bailable Warrant was issued and executed on 25.02.2020.

2.Contending that due to illness, the petitioner was not able to attend the Court on that day and his counsel was instructed to file 317 petition, he seeks bail with an undertaking that he will regularly attend the Court and co-operate for the trial.



3.A perusal of the lower Court order indicates that out of 18 accused, due to non-cooperation of the accused persons, the trial has not commenced and fearing that if the petitioner is released on bail, he will abscond, the bail petition has been dismissed.

4.Taking note of the previous conduct of this petitioner, who had been regularly attend the Court, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Additional District and Sessions Judge, Sivagangai;

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond 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/-
11/03/2020

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SIVAGANGAI.

2 THE INSPECTOR OF POLICE
THIRUKOSTIYUR POLICE STATION,
SIVAGANGA DISTRICT

3 THE OFFICER INCHARGE,
SIVAGANGA.

<https://hcserv655.csb.court.in/hcserv655>



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

+1 CC to M/s.R.DEVARAJ, Advocate (SR-5115[I] dated 11/03/2020)

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ORDER

IN

CRL OP(MD) No.4406 of 2020

Date :11/03/2020

SJI

JM/VR/SAR 1/11.03.2020/3P/6C