



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.6768 of 2020

Murugan @ K.R.Murugan

... Petitioner/Accused No.12

Vs

State Rep.by
The Inspector of Police,
CBCID, Sivagangai District.
(In Crime No.1/2014)

... Respondent/Complainant

For Petitioner : M/s.R.Balamuruganantham, Advocate.
For Respondent : M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in S.C.No.47/2016 on the file of the Fast Track Mahila Court, Sivagangai.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner is arrayed as accused No.12. He was arrested and remanded to Judicial Custody on 04.02.2020 for the offences punishable under sections 147, 148, 294(b), 302, 120(b) r/w 302, 109 r/w 302 and 34 r/w 302 of I.P.C., in Crime No.1 of 2014 on the file of the respondent police. He seeks bail.

3.The learned counsel for the petitioner would submit that earlier bail was granted to the petitioner, however the petitioner was failed to appear before the trial Court and hence, Non-Bailable Warrant has been issued on 27.01.2020. Thereafter, the petitioner was voluntarily surrendered before the trial Court on 04.02.2020 and filed an application to recall the Non-Bailable Warrent. However, the trial Court dismissed the said application and remanded him in judicial custody. The petitioner is in custody from 04.02.2020.



The learned counsel further submit that all other accused were released on bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that due to non-appearance of the petitioner, Non-Bailable warrant was issued and subsequently, the petitioner was surrendered on 04.02.2020 and he also admitted the fact that other accused also released on bail.

5.Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner was voluntarily surrendered on 04.02.2020 and that he is in custody from 04.02.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Fast Track Mahila Court, Sivagangai, Sivagangai District.

i)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

ii)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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]**.

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/07/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDGE,
DISTRICT FAST TRACK MAHILA COURT,
SIVAGANGAI, SIVAGANGAI DISTRICT.
2. THE OFFICER INCHARGE, DISTRICT PRISON,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
CBCID, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6768 of 2020
Date :07/07/2020

MS/PN/SAR-3/07.07.2020/3P.5C