



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

Date : 18/05/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5346 of 2020

Jeyaseelan ... Petitioner/ Sole Accused

Vs

State through the
Sub Inspector of Police,
Veerapandi Police Station,
Theni District.
(In Crime No.171 of 2016).

... Respondent/Complainant

For Petitioner : Mr.M.Maran,
Advocate.

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

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

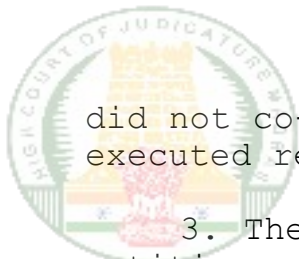
PRAYER :-

to enlarge the petitioner on Bail in S.C.No.92 of 2017 on the file of the Chief Judicial Magistrate, Theni in Crime No.171 of 2016 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner herein was arrested by the respondent police on 01.03.2020 for the alleged offence under Sections 294(b) and 307 I.P.C.

2. The petitioner herein is the sole accused in the case pending before the Chief Judicial Magistrate, Theni for trial under Sections 294(b) and 307 I.P.C. The date of occurrence is 20.04.2016, after investigation police has filed the final report and the matter committed to the Sessions Court which was taken on file as S.C.No.92 of 2017. For the past 2 ½ years, the petitioner was absconding and



did not co-operate for the trial and hence, Non Bailable Warrant was executed recently i.e. on 01.03.2020.

3. The learned counsel for the petitioner would submit that the petitioner for his livelihood went to Hosur. So he was not able to attend the Court proceedings and he submits that hereafter will regularly attend the Court and co-operate with the trial.

4. However, the learned Additional Public Prosecutor contrarily submits that it was difficult for the respondent police to secure the petitioner for nearly 2 ½ years. If he is released, there is possibility of jumping the bail again.

5. Considering the rival submissions and the right of the accused, this Court grants bail to the petitioner.

6. Accordingly the petitioner is ordered to be released on bail on his executing own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties within one month from the date of release to the satisfaction of the Chief Judicial Magistrate, Theni and on further condition that

(i) the petitioner shall report before the Chief Judicial Magistrate on every monday at 10.30 a.m until further orders.

(ii) the petitioner shall not tamper with evidence or witness.

(iii) the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-
18/05/2020

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



TO

1. THE CHIEF JUDICIAL MAGISTRATE,
THENI.
2. THE OFFICER IN CHARGE,
DISTRICT PRISON,
THENI.
3. THE SUB INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5346 of 2020
Date :18/05/2020

LS/GNS
SRS/ VR/ SAR-II/ 18.05.2020/ 3P/5C