



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/06/2020

PRESENT
The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.6079 of 2020

WEB COPY

Thangapandi

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Keeraithurai Police Station,
Madurai District. Cr.No. 539 of 2013. ... Respondent/Complainant

For Petitioner : M/s.S.Poornachandran,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the petitioners on Bail in SC.No.337 of 2014 on the file of the IV Additional District and Sessions Judge, Madurai.

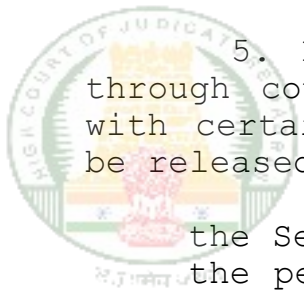
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is facing trial in S.C.No.337 of 2014 on the file of the IV Additional District and Sessions Judge, Madurai, for the offences under Sections 302 of I.P.C.

3.The allegation against the petitioner is that he murdered his wife. The petitioner was absconding for about six months. The fact remains that after he was secured, he is in prison for about 550 days. During this period the witnesses were examined and not cross examined.

4. The petitioner's counsel on instructions gives an undertaking that the petitioner immediately after coming out of bail will take steps to cross examine the witnesses. He will not in any manner contribute to delay in proceedings. He also gives an undertaking that till the trial is over, he will be very much available. In other words, he will not repeat his act of abscondence. To ensure the same, the petitioner is directed to report before the Usilampatti police station daily at 7.00 p.m. till the trial is over. He gives a further undertaking that he will not apply for modification or relaxation of this condition.



5. Recording the twin undertakings given by the petitioner through counsel, 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 be released on own bond by the Sessions Judge without insisting on sureties. However, the petitioner is directed to 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 IV Additional District and Sessions Judge, Madurai, after the concerned Court is reopened.

(ii) the petitioner is directed to report before the Usilampatti police station daily at 7.00 p.m. till the trial is over.

(iii) on breach of any of the aforesaid conditions, the 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 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/-
12/06/2020

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/ /2020
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 IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
KEERAITHURAI POLICE STATION, MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE, USILAMPATTI POLICE STATION.

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

ORDER
IN
CRL OP(MD) No.6079 of 2020
Date :12/06/2020