



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6690 of 2020

Sathees @ Sabarees

... Petitioner/Accused No.6

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Ramanathapuram.
Cr.No. 2 of 2011.

... Respondent/Complainant

For Petitioner : M/s.S.Mahendrapathy, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the petitioner on bail in connection with a case in P.R.C.No.10 of 2018 on the file of Judicial Magistrate No.1, Ramanathapuram in Cr.No. 2 of 2011 on the file of the respondent police.

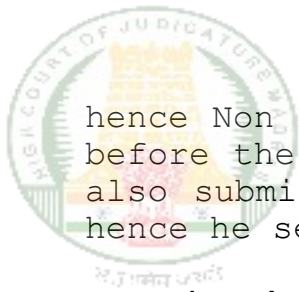
ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 19.02.2020 for the alleged offences under Sections 366 (A), 308,370,376,109, 34 of IPC.

2. There are totally 22 accused in this case. The petitioner herein is arrayed as A6. Earlier the petitioner was granted bail since he did not appear before the trial Court on 21.10.2019, Non Bailable Warrant was issued and the same was executed on 19.02.2020 and thereafter he was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner would submit that due to some illness he was unable to appear before the trial Court,

<https://hcservices.ecourts.gov.in/hcservices/>



hence Non Bailable Warrant was issued and now he is ready to appear before the trial Court on all hearing dates without fail. He would also submit that the petitioner is in jail for nearly five months, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that there are 22 accused in this case, out of which 12 accused are still absconding. Due to the abscondance of this petitioner trial is pending for a long time and at this stage if the petitioner is released on bail, he will abscond again.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, 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 Judicial Magistrate No.I, Ramanathapuram

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 and further he is directed to appear before the trial Court on all hearing dates without fail.

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/-
05/08/2020

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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 JUDICIAL MAGISTRATE No.I,
RAMANATHAPURAM.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMANATHAPURAM.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.

ORDER
IN
CRL OP(MD) No.6690 of 2020
Date :05/08/2020

AAV
TE/VR/SAR-II : 05/08/2020 : 3P/6C