



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7547 of 2020

Chinnakaruppan @ Shankar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
Cr No.306/2017.

... Respondent/Complainant

For Petitioner : M/s.C.Mayilvahaha Rajendran,
Advocate.

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

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

PRAYER :-

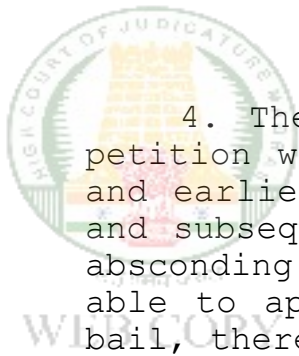
For Bail in Crime No.306 of 2017 on the file of the
respondent police.

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ sole accused
seeking bail for the alleged offences punishable under Sections 120
(b), 302(2 counts) and 379 of IPC in S.C.No. 55 of 2018

2. The petitioner is facing trail in S.C.No. 55 of 2018 on the
file of the Fast Track Mahila Court, Dindigul. The petitioner was
arrested on execution of Nonailable Warrant on 11.02.2020.

3.The learned counsel for the petitioner would submit that the
petitioner is regularly appearing before the trial Court on all
hearing dates and due to his ill health he was unable to appear
before the trial Court on 17.09.2019, due to which Non Bailable
Warrant came to be issued and the petitioner was remanded to custody
pursuant to the execution of Non Bailable Warrant on 11.02.2020.



4. The learned Additional Public Prosecutor opposing the bail petition would submit that the petitioner is a habitual absconder and earlier Non Bailable Warrant was issued for his non appearance and subsequently it was recalled and once again the petitioner was absconding for nearly five months and the respondent police was not able to apprehend him. Further, if the petitioner is released on bail, there will not be any progress in the trial.

5. Taking into consideration all the allegations made against the petitioner and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her 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 Fast Track Mahila Court, Dindigul.

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 the petitioner is directed to appear before the Fast Track Mahila Court, Dindigul on all hearing dates in S.C. No. 55 of 2018 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 petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/07/2020

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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 Fast Track Mahila Court, Dindigul.
2. The Superintendent, Central Prison, Madurai.
3. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7547 of 2020

Date :20/07/2020

SDS/PN/SAR-2/20.07.2020/3P/5C