



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

Date : 06/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7644 of 2020

Prakash @ Prasath

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Thevaram Police Station,
Theni District
Cr.No. 317 of 2016.

... Respondent/Complainant

For Petitioner : M/s.A.Aruputharaj,
Advocate.

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

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

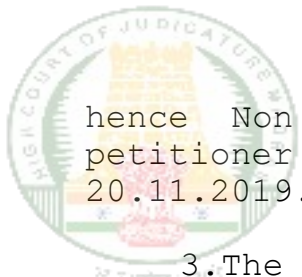
PRAYER :-

For Bail in Crime No. 317 of 2016 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 20.11.2019 for the alleged offence under Section 379 of IPC.

2. Earlier the petitioner was arrested and released on bail. Thereafter the petitioner did not appear before the trial Court ,
<https://hcservices.ecourts.gov.in/hcservices/>



hence Non Bailable Warrant was issued on 12.03.2019 and the petitioner was arrested on execution of Non Bailable Warrant on 20.11.2019.

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 12.03.2019, 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 20.11.2019. He would also submit that the petitioner is in jail for nearly 08 months. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) opposing the bail petition would submit that the petitioner is a habitual offender and he is having two previous case of similar nature. Further, if the petitioner is released on bail, he may abscond again and indulge in similar type of offences again.

5.Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner was arrested on execution of Non bailable Warrant 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodinaickanur, Theni 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 once in a week of every Monday 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 petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

sd/-
06/08/2020

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE,
BODINAICKANUR, THENI DISTRICT.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT JAIL,
K.VELAKKU, THENI.

ORDER
IN
CRL OP(MD) No.7644 of 2020
Date :06/08/2020

AAV
TE/AKM/SAR-III : 06/08/2020 : 3P/6C