



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

Date : 07/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.14219 of 2020

Prathap ... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
K.Pudur Police Station.
Crime No.1297 of 2017. ... Respondent/Complainant

For Petitioner : M/s.T.Antony Arulraj,
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.1297 of 2017 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial
custody on 05.09.2020 for the alleged offence under Sections 147,
148, 353, 324, 307, 506(ii) of IPC and Section 3(1) of TNPPDL Act.

2. Earlier the petitioner was arrested and released on bail.
Thereafter the petitioner did not appear before the trial Court ,
hence Non Bailable Warrant was issued on 06.07.2018. The petitioner
was arrested on execution of Non Bailable Warrant on 05.09.2020.

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, 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 05.09.2020.

4.Heard the learned Government Advocate (Crl.Side) appearing
for the State.



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 his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Madurai

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 learned I Additional District and Sessions Judge, Madurai daily at 10.30 a.m and 5.30 p.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].

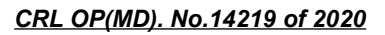
vi) If the petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/12/2020

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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.



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