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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2042 of 2021

Pakrudeen @ Bakruthin

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Thirupathur Police Station,
Sivagangai District
Crime No. 177/2015.

... Respondent/Complainant

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

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

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

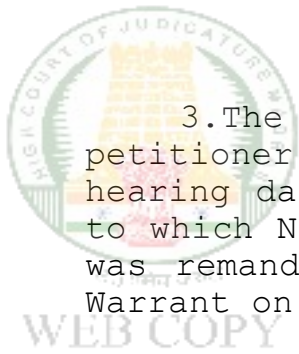
PRAYER :-

For Bail in Crime.No. 177 of 2015 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 21.09.2020 for the alleged offence under Section 397 of IPC.

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 25.06.2019. The petitioner was arrested on execution of Non Bailable Warrant on 21.09.2020.



3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates 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 25.06.2019.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that in this case there are totally three accused and the petitioner herein is arrayed as A1. Crime is of the year 2015 and investigation has been completed in the same year and charge sheet has been filed before the learned Judicial Magistrate Thirupathur and the same has been taken cognizance in PRC No.30 of 2015 and pending committal. He would also submit that one or other the accused person are absenting themselves and dragging on the proceedings. The petitioner was secured with much difficulty and if he is released on bail there will not be any progress in the trial, hence he opposed to grant bail to the petitioner.

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, further the co-accused are on bail, 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirupathur, Sivagangai 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 learned Judicial Magistrate, Thirupathur, Sivagangai District on every Monday at 10.30 a.m., till the case is committed to the Court of Sessions and thereafter before the Sessions Court on all hearing dates.

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 *Prakash Singh 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/-
09/03/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,
THIRUPATHUR,
SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUPATHUR POLICE STATION, SIVAGANGAI DISTRICT
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON,
DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2042 of 2021
Date :09/03/2021

NR/PN/SAR-II(09.03.2021) 3P:6C