



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2589 of 2021

Udhaya Prakash

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Madukkur Police Station,
Thanjavur District ,
Crime No. 127 of 2014..

... Respondent/Complainant

For Petitioner : M/s.Subburaj P,
Advocate.

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

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

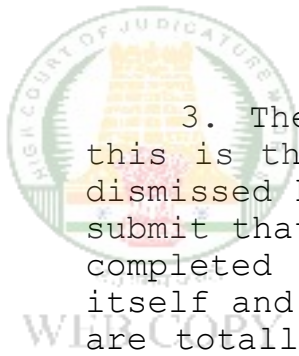
PRAYER :-

For Bail in Crime No.127 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 herein was arrested and remanded to judicial custody on 10.10.2020 for the alleged offence under Sections 147,148 and 302 of IPC.

2. The learned counsel for the petitioner would submit that in this case the petitioner was arrested on the strength of Non Bailable Warrant issued on 22.07.2019 and he was arrested on 10.10.2020 and he in jail for more than 103 days. He would further submit that the petitioner is a coolie and working in Kerala and he is the sole bread winner of the family, hence he seeks bail.



3. The learned Additional Public Prosecutor would submit that this is the third bail petition and the earlier two petitions were dismissed by this Court on 08.12.2020 and 20.01.2021. He would also submit that the crime is of the year 2014 and the respondent police completed investigation and filed final report in the year 2014 itself and the case is pending committal in PRC No. 46 of 2014. There are totally six accused in this case and the petitioner herein is arrayed as A4. Non Bailable Warrant is pending against A2, A5 and A6. All the accused persons are close associates and they are absenting one after another and dragging on the entire proceedings, hence the case cannot be committed, hence he opposed to grant bail to the petitioner.

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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai

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, Pattukottai on every Monday at 10.30 am., and 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/-

04/03/2021

/ TRUE COPY /

/ /2021

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,
PATTUKOTTAI.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KOMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.SUBBURAJ, Advocate SR.No.8611

ORDER
IN
CRL OP(MD) No.2589 of 2021
Date :04/03/2021

NR/VR/SAR-III(04.03.2021) 2P:7C