



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

Date : 02/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3262 of 2021

Chithiraselvan

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
Crime No. 15 of 2015.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

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

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

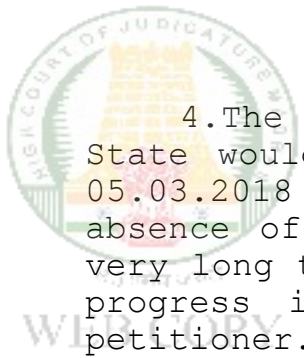
PRAYER :- For Bail in Crime No.15 of 2015 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 herein surrendered before the II Additional District and Sessions Judge, Thanjavur on 18.02.2021 for the alleged offence under Sections 147,148,364 and 342 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 05.03.2018. The petitioner was arrested on execution of Non Bailable Warrant on 18.02.2021.

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 05.03.2018



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the Non Bailable Warrant was issued on 05.03.2018 and the same was recalled on 18.02.2021. Due to the absence of the petitioner herein the case is pending trial for a very long time 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 surrendered himself before the trial Court 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 sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Thanjavur

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 II Additional District and Sessions Judge, Thanjavur on every Monday at 10.30 a.m. and on all hearing dates with out 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/-
02/03/2021

/ TRUE COPY /

/ /2021
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 II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.
- 2.THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM, THANJAVUR DISTRICT.
- 3.THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION, THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.K.ARUN RAJ, Advocate (SR-1659[I] dated 02/03/2021)

ORDER
IN
CRL OP(MD) No.3262 of 2021
Date :02/03/2021

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MS/PN/SAR-IV (02/03/2021) 3P / 6C