



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

Date : 05/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3511 of 2021

P.Vivekraj

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram.
Crime No.21/2012.

... Respondent/Complainant

For Petitioner : Mr.T.Thirumurugan,
Advocate.

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

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

PRAYER :-

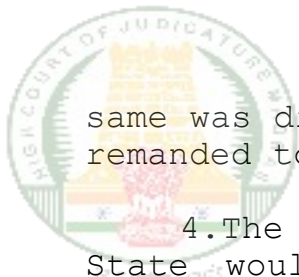
For Bail in Crime no. 21 of 2012 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 herein was arrested and remanded to judicial
custody on 09.02.2021 for the alleged offence under Sections
147,148, 307 r/w.34 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 06.11.2019. The petitioner
was arrested on execution of Non Bailable Warrant on 09.02.2021.

3.The learned counsel for the petitioner would submit that
earlier the petitioner was released on bail and he failed to appear
before the trial court for hearing for which Non Bailable Warrant
was issued on 06.11.2019 and for that reason the sureties action
has been taken and sureties appeared before the concerned court and
subsequently the petitioner has filed a recall petition and the



same was dismissed and the petitioner was arrested on 09.02.2021 and remanded to judicial custody.

4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner was secured with much difficulty and he is released on bail there will not be any progress in the trial, hence he opposed to grant bail to the petitioner.

5. It is seen that the offence is of the year 2012 and the charge sheet was filed in the year 2019 and PRC No. 39 of 2019 was assigned and the petitioner on receipt of notice initially appeared and thereafter he went abroad seeking employment . When he returned back he was informed that Non Bailable Warrant is pending against him from 06.11.2019. The petitioner approached the lower court and filed the recall petition, the same was dismissed and the petitioner was arrested. Except the petitioner all the other accused persons are regularly appearing before the committal Court.

6.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.

7.Accordingly, the petitioner is ordered to be released on bail after the completion of committal proceedings 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 No.I, Ramanathapuram

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 Sessions Court 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 petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



8. It is made clear that the learned Magistrate shall accept the sureties produced by the petitioner after the committal proceedings is over.

sd/-
05/03/2021

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/ /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 JUDICIAL MAGISTRATE No.I,
RAMANATHAPURAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KEELAKARAI POLICE STATION,
RAMANATHAPURAM.
- 4.THE OFFICER INCHARGE
SUB JAIL, RAMANATHAPURAM.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.T.THIRUMURUGAN, Advocate (SR-1815[I] dated 05/03/2021)

ORDER
IN
CRL OP(MD) No.3511 of 2021
Date :05/03/2021

AAV
TK/VR/SAR.4/05.03.2021/3P/7C