



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

Date : 25/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3580 of 2021

Prabhu

... Petitioner/ 3rd Accused

Vs

State Rep.by
The Inspector of Police,
Athanakkottai Police Station,
Pudukkottai District.
Crime No.104/2017.

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,
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.104 of 2017 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 herein who was arrested and remanded to judicial custody on 18.02.2021 for the alleged offence under Sections 147,148,341,326,307 and 506(ii) of IPC, seeks bail

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 07.02.2020. 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 with out fail and on 07.02.2020 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 18.02.2021.

4.The learned Additional Public Prosecutor appearing for the State would submit that the Non Bailable Warrant was issued on 07.02.2020 and the same was executed on 18.02.2021. The petitioner was released 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. 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 sureties each for a like sum to the satisfaction of the Additional Sub Court, Pudukottai.

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 trial Court 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].

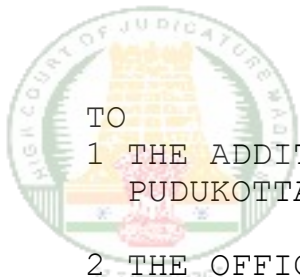
vi) If the petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/03/2021

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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



TO

1 THE ADDITIONAL SUBORDINATE JUDGE,
PUDUKOTTAI.

2 THE OFFICER INCHARGE, SUB JAIL,
THIRUMAYAM.

3 THE INSPECTOR OF POLICE,
ATHANAKKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-2539[I] dated 25/03/2021)

ORDER

IN

CRL OP(MD) No.3580 of 2021

Date :25/03/2021

AAV

MS/VR/SAR-3/25.03.2021/3P.6C