



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

Date : 21/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.4182 of 2021

Mathankumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kallimanthayam Police Station,
Dindigul District.
(Crime No.256/2015)

... Respondent/Complainant

For Petitioner : Mr.Mohammed Mohideen, Advocate for
Mr.J.Imran Khan, Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

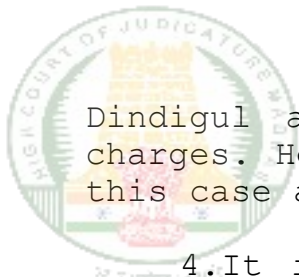
PRAYER :- For Bail in S.C.No.20/2021 on the file of the Fast Track
Mahila Court, Dindigul.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 25.09.2020 for the
offences punishable under Sections 294(b), 341, 302 and 506(ii) of
IPC, in Crime No.256 of 2015 on the file of the respondent police,
seeks bail.

2.The learned counsel appearing for the petitioner submitted
that the petitioner is regularly appearing before the trial Court on
all hearing dates and due to his ill health, he was unable to appear
before the trial Court in P.R.C.No.4 of 2016, on 15.12.2016, 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 25.09.2020. The learned counsel appearing for the
petitioner undertakes that the petitioner shall appear before the
Court below regularly on all future hearing dates without fail.

3.The learned Additional Public Prosecutor appearing for the
respondent Police submitted that now the case has been taken
over to the Fast Track Mahila Court, Dindigul.



Dindigul and next hearing date is on 24.04.2021 for framing of charges. He further submitted that totally there are two accused in this case and A2 died on 04.01.2017.

4.It is seen from the submission made that when the case was pending in P.R.C.No.4 of 2016, the petitioner did not appear before the learned Judicial Magistrate from 15.12.2016. Therefore, Non Bailable Warrant was issued against the petitioner and the petitioner was remanded to judicial custody pursuant to the execution of Non Bailable Warrant on 25.09.2020. Though the offence had taken place on 19.10.2015 and the case in P.R.C.No.4 of 2016 has taken cognizance in S.C.No.20 of 2021, the petitioner had not taken any step for recalling Non Bailable Warrant. The petitioner was arrested on 25.09.2020, because of his abscondance, the case was pending for more than four years even for framing charges.

5.Taking note of the assurance given by the learned counsel appearing for the petitioner that the petitioner will regularly attend the Court and participate in the trial proceedings and also taking note of the duration of the custody after he was arrested pursuant to the execution of Non Bailable Warrant on 25.09.2020, this Court is 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 Fast Track Mahila Court, Dindigul, and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the Fast Track Mahila Court, Dindigul, on all hearing dates without fail.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/04/2021

/ TRUE COPY /

WEB 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 JUDGE,
FAST TRACK MAHILA COURT,
DINDIGUL.
2. THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
3. THE INSPECTOR OF POLICE,
KALLIMANTHAYAM POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.IMRAN KHAN, Advocate (SR-16787[F] dated 21/04/2021)

ORDER
IN
CRL OP(MD) No.4182 of 2021
Date :21/04/2021

VSG
MS/VR/SAR-1/21.04.2021/3P.6C