



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

Date : 31/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4466 of 2021

Rajkumar

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Patteswaram Police Station,
Thanjavur District.
(Crime No.07 of 2012)

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime no. 7 of 2012 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial
custody on 07.02.2020 for the offences punishable under Sections 120
(b), 147, 148, 109, 341 and 302 of IPC r/w 149 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 12.06.2019. The petitioner
was arrested on execution of Non Bailable Warrant on 07.02.2020.

3.The learned counsel for the petitioner would submit 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, 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 07.02.2020.

4.The learned Government Advocate (Crl.Side) appearing for the
State would submit that the respondent police completed
investigation in Crime No.07 of 2012 and filed final report before
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the Judicial Magistrate Court No.II, Kumbakonam, Thanjavur District, and the same has been taken cognizance in S.C.No.23 of 2021 and next hearing on 20.04.2021.

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 and also the fact that except this petitioner, all other accused are in bail, 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 Judicial Magistrate Court II, Kumbakonam, Thanjavur District.

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 appear before the trial 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.

sd/-

31/03/2021

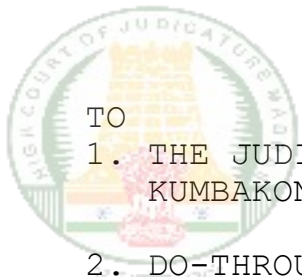
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/ /2021

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, remains the responsibility of the advocate/litigant concerned.

<https://hcservices.e-courts.gov.in/hcservices>



TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,CENTRAL PRISON,
TRICHY.
4. THE INSPECTOR OF POLICE,
PATTESWARAM POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4466 of 2021
Date :31/03/2021

VSG
MS/PN/SAR-3/31.03.2021/3P.6C