



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4856 of 2021

S.Chandrasekar

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram.
Crime No. 150 of 2001.
P.R.C. 11 of 2015..

... Respondent/Complainant

For Petitioner : Mr.Thirumurugan.T.,
Advocate.

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

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

PRAYER :-

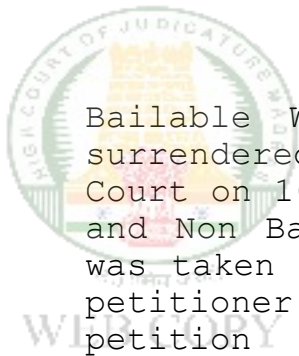
For Bail in Crime no. 150 of 2001 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 14.02.2021 for the alleged offence under Sections 147, 148, 323, 324 and 307 of IPC, in Crime No.150 of 2001 on the file of the respondent Police Station, 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 07.08.2019. The petitioner was arrested on execution of Non Bailable Warrant on 14.02.2021.

3.The learned counsel for the petitioner would submit that earlier the petitioner was released on bail on 14.09.2016 and he appeared before the trial court for hearing for which Non



Bailable Warrant was issued on 02.03.2017 and the petitioner surrendered on 21.07.2017 and he appeared before the concerned Court on 16.09.2017. Further on 17.08.2019 and petitioner was absent and Non Bailable Warrant was issued against him and surety action was taken and sureties were presented on 30.09.2019. Thereafter the petitioner appeared before the concerned Court and filed recall petition and the same was dismissed on 14.02.2021 and the petitioner was arrested and remanded to judicial custody.

4.The learned Government Advocate (Crl. Side) appearing for the State would submit that this the second Non Bailable Warrant and the First Non Bailable Warrant was issued on 02.03.2017 and the same was recalled on 21.07.2017. 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 petitioner had voluntarily surrendered before the lower court and filed recall petition on 14.02.2021 and the same was dismissed for the reason that Non Bailable Warrant is pending against him from 07.08.2019. Further in this case A3 and A4 is no more.

6.This is the second application and this Court has already granted anticipatory bail to the very same petitioner. But, the respondent police station name and the judicial Magistrate was also wrongly mentioned in the earlier petition, he was unable to execute the sureties. 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 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 learned Judicial Magistrate No.I, Ramanathapuram on every Monday at 10.30 a.m., until further orders.

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/-
30/03/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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.
- 3 THE INSPECTOR OF POLICE
KEELAKARAI POLICE STATION, RAMANATHAPURAM.
- 4 THE OFFICER INCHARGE,
SUB JAIL, MUDUKULATHUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4856 of 2021
Date :30/03/2021

NR/PN/SAR-II(30.03.2021) 3P:6C