



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.4934 of 2021

WEB COPY

E.Madasamy

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No. 173 of 2009..

... Respondent/Complainant

For Petitioner : Mr.Pinaygash I,
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.173 of 2009 on the file of the Respondent Police.

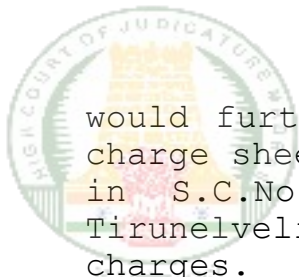
ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 08.09.2020 for the alleged offence under Section 302 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 17.12.2019. The petitioner was arrested on execution of Non Bailable Warrant on 08.09.2020.

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates 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 08.09.2020.

4.The learned Government Advocate (Crl.Side) 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 case. Hence he opposed to grant bail to the petitioner. He



would further submit that the investigation has been completed and charge sheet has also been filed and the same has been taken on file in S.C.No.439 of 2013 by the 1st Additional Sessions Judge, Tirunelveli and the case was posted on 30.03.2021 for framing of charges.

WEB COPY

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 and 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, Cheranmahadevi, Tirunelveli District.

i)the learned Judicial Magistrate shall accept the sureties furnished by the petitioner after framing of charges.

ii) 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.

iii) the petitioner shall appear before the trial Court on all hearing dates with out fail.

iv)the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi)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].

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

sd/-
31/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,



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,
CHERANMAHADEVI,
TIRUNELVELI DISTRICT.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.I.PINAYGASH, Advocate SR.No.2772

ORDER
IN
CRL OP(MD) No.4934 of 2021
Date :31/03/2021

NR/VR/SAR-III(31.03.2021) 3P:7C