



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

Date : 20/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.6750 of 2021

A.Pandian @ Sarayapandi

... Petitioner/Accused No.1

Vs

State Represented by,
The Inspector of Police,
Budhalur Police Station,
Thanjavur District
In Crime No.135/2007.

... Respondent/Complainant

For Petitioner : Mr.N.Anandakumar,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

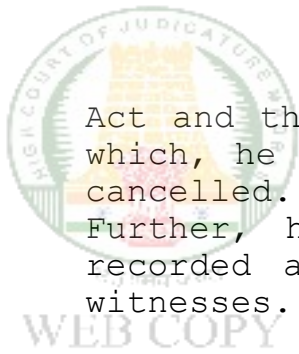
For Bail in Crime No.135 of 2007 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is in custody from 21.11.2019 for the offences under Sections 147, 144, 120 (B), 342, 364 and 302 of I.P.c., in Crime No.135 of 2007 on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that the petitioner was earlier released on bail in Cr.MP.No.236 of 2020 by the learned II Additional District and Sessions Judge, Thanjavur on 11.05.2020. Since, the petitioner did not appear before the lower court, Non Bailable Warrant was issued and executed against him on 21.11.2019. Hence, the petition.

3.The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody for more than 460 days. He would further submit that the petitioner was released on interim bail, on condition to execute two sureties on or before 12.10.2020. In the meanwhile, he was detained under Goondas



Act and the order dated 12.10.2020 was not conveyed to him, due to which, he could not execute the sureties and the interim order got cancelled. Now, the petitioner is in custody from 21.11.2019. Further, he would submit that major portion of the evidence is recorded and now, it is pending for examination of the official witnesses.

4. The learned Additional Public Prosecutor would submit that the petitioner is involved in similar cases on previous occasions also and considering the antecedents, he strongly opposed to grant bail to the petitioner.

5. Considering the fact that the trial is going to be concluded after the examination of the official witnesses and considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the Judicial Magistrate, Thiruvaiyaru.

ii) 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.

iii) The petitioner shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

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

v) the petitioner shall not abscond either during investigation or 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/05/2021

/ TRUE 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 II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.
- 2.DO THROUGH THE PRINCIPAL DISTRICT JUDGE,
THANJAVUR DISTRICT.
- 3.THE JUDICIAL MAGISTRATE, THIRUVAIYARU,
THANJAVUR DISTRICT.
- 4.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM
- 5.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 6.THE INSPECTOR OF POLICE,
BUDHALUR POLICE STATION,
THANJAVUR DISTRICT.
- 7.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6750 of 2021
Date :20/05/2021

MNI/CP
PK/AKM/SAR-I/21.05.2021 : 3P/8C