



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/06/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice A.A. NAKKIRAN

CRL OP(MD) No.6905 of 2021

Baskar

... Petitioner/Accused No.10

Vs

The State rep. by
The Inspector of Police,
Athankottai Police Station,
Pudukkottai District.
Crime No.76 of 2012.

... Respondent/Complainant

For Petitioner : Mr.S.M.Anantha Murugan, Advocate.

For Respondent : Mr.M.Muthumanickam,
Government Advocate (Criminal Side)

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

PRAYER :-

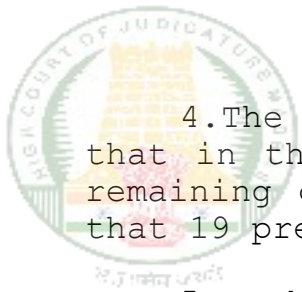
For Bail in Crime No. 76 of 2012 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A10, who was arrested and remanded to judicial custody on 26.02.2020 for the offences punishable under Sections 120(b), 323, 302 r/w. Section 109 and 34 of IPC in Crime No.76 of 2012 on the file of the respondent police, 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. The petitioner was arrested on P.T Warrant on 26.02.2020.

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates and 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 on 26.02.2020. He would further submit that the petitioner is in judicial custody from 26.02.2020, hence he seeks bail.



4.The learned Government Advocate(Criminal Side) would submit that in this case 15 witnesses have already been examined and the remaining official witnesses to be examined . He would also submit that 19 previous cases are pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner is in judicial custody from 26.02.2020, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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 Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Act cases, Pudukottai.

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 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/06/2021

/ 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 ADDITIONAL DISTRICT AND SESSIONS JUDGE/
PRESIDING OFFICER,
SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKKOTTAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
3. THE INSPECTOR OF POLICE,
ATHANKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6905 of 2021
Date :03/06/2021

AAV
SRS/JM/SAR-IV/03.06.2021/3P/5C