



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2021

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PRESENT

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

CRL OP(MD) No.7954 of 2021

Neethi

... Petitioner/Accused No.2

Vs

State, represented by
The Sub Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Crime No. 249 of 2015).

... Respondent/Complainant

For Petitioner : Mr.Gokul.K.,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Bail in Crime No. 74/2016 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 22.02.2021 for the offences punishable under Sections 147, 148 r/w 34 of I.P.C in Crime No.249 of 2015 on the file of the respondent police, seeks bail.

2.The learned Principal Sessions Judge, Theni, issued a non bailable warrant against the petitioner on 22.12.2016 for non-appearance of the case in S.C.No.74 of 2016, due to which, the petitioner was remanded to judicial custody on 22.02.2021. Hence, the petition.

3.The learned counsel for the petitioner would submit that due to non-appearance of the petitioner, Non Bailable Warrant came to be issued on 22.12.2016 and he is in judicial custody for more than 115



days. The learned counsel appearing for the petitioner undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner is having four previous cases. The trial is not yet commenced. He would further submit that the petitioner was secured with much difficulty and if he is released on bail, there will not be any progress in the trial. Hence, he opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, 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.1,00,000/- (Rupees One lakh 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Periyakulam.

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 learned Principal Sessions Judge, Theni, on each and every hearings after resumption of regular work in the Court below.

iii) the petitioner is directed to deposit a sum of Rs.5,000/- **(Rupees Five Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172),** within a period of two weeks without prejudice to his rights and contentions before the trial Court;

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

sd/-
22/06/2021

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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, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE PRINCIPAL SESSIONS JUDGE, THENI.
4. THE OFFICER INCHARGE,
SUB JAIL, THENI.
5. THE SUB-INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9.

ORDER IN
CRL OP(MD) No.7954 of 2021
Date :22/06/2021

MSA

<https://hcservices.ecourts.gov.in/hcservices/>
CRL/CC/SAR-11/22.06.2021/3P/8C