



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

Date : 23/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11630 of 2021

1. Sasikala
2. Karthikeyan ... Petitioners/Accused No. 1 & 2

Vs

The State rep.by
The Inspector of Police,
Cantonment Police Station,
Trichy District
(Crime No.54/2016) Respondent/Complainant

For Petitioner : Mr.K.M.KARUNAKARAN,
Advocate.
For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)
For Intervener : Mr.A.P.SATHIYAMURTHY,
Advocate

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

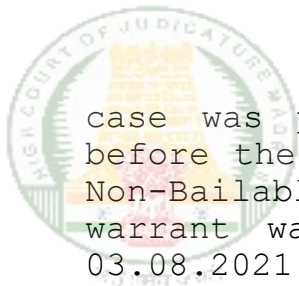
PRAYER :-

For Bail in Cr.No.54 of 2016 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners are facing a charge of the offences under Sections 147, 323, 324, 347, 363 of IPC, altered into 147, 323, 324, 347, 392, 452, 363 and 506(ii) of IPC, in P.R.C.No.8 of 2018, before the learned Judicial Magistrate No.II, Trichy.

2. The occurrence in this case had taken place on 26.01.2016. The case was registered on 27.01.2016. Final report was filed in the year 2018 and it was taken on file in PRC.No.8 of 2018 on the file of the learned Judicial Magistrate No.II, Trichy. When the



case was posted on 04.11.2019, the petitioners failed to appear before the learned Judicial Magistrate No.II, Trichy. Therefore, a Non-Bailable Warrant was issued against the petitioners. Though warrant was pending from the year 2020, they were arrested on 03.08.2021. Hence, the petitioners seek bail.

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3. The learned counsel for the petitioners submits that since one of the accused died in the month of January 2020, the petitioners failed to appear before the learned Judicial Magistrate No.II, Trichy. The learned counsel further submits that the petitioners are ready to file an undertaking affidavit before the learned Judicial Magistrate that they would appear before the Court regularly without fail, till the committal proceedings are over.

4. Considering the submission made by the learned counsel for the petitioners that the petitioners are willing to file an affidavit of undertaking before the learned Judicial Magistrate No.II, Trichy that they will appear before the learned Judicial Magistrate without fail, till the committal proceedings are over and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners.

5. Accordingly, this Criminal Original Petition is ordered. The petitioners are directed to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Trichy and on further conditions that:

[a] 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.

[b] the petitioners shall report before the learned Judicial Magistrate No.II, Trichy, on all hearing dates without fail, till the committal proceedings are concluded.

[c] It is made clear that the petitioners are not entitled to file an application under Section 317 Cr.P.C. till the committal proceedings are concluded.

[d] the petitioners shall file an affidavit of undertaking before the learned Judicial Magistrate No.II, Trichy, that they will appear before the Court without fail.

[e] the petitioners shall not abscond either during trial.

[f] the petitioners shall not tamper with evidence or witness either during trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/08/2021

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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 NO.II,
TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT
SPECIAL PRISON FOR WOMEN, TRICHY.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
TRICHY DISTRICT
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11630 of 2021
Date : 23/08/2021

SA/VR/SAR.4/23.08.2021/3P/7C