



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.11964 of 2021

Mottai Kannan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Crime No.295 of 2013.

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.295 of 2013 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner is facing a charge of the offences under Sections 147, 148, 294(b), 506(ii) IPC r/w. 3(1) of PPDL Act r/w. 149 of IPC, in P.R.C.No.66 of 2018, before the learned Judicial Magistrate No.II, Kumbakonam.

2. The case was originally registered in the year 2013. Final report was filed in the year 2015 and it was taken on file in PRC.No.66 of 2015 on the file of the learned Judicial Magistrate No.II, Kumbakonam. Since the petitioner failed to appear before the learned Judicial Magistrate No.II, Kumbakonam, a Non-Bailable Warrant was issued against him on 18.01.2021 and he was arrested on 03.08.2021. Hence, the petitioner seek bail.

3. The learned counsel for the petitioner submits that due to ill-health, the petitioner failed to appear before the Court. Except one hearing, the petitioner regularly appeared before the Court on all hearing dates. The learned counsel further submits that the petitioner is ready to file an undertaking affidavit before the learned Judicial Magistrate that he 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 petitioner that the petitioner is willing to file an affidavit of undertaking before the learned Judicial Magistrate No.II, Kumbakonam that he 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 petitioner.

5. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed to be released on bail 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 learned Judicial Magistrate No.II, Kumbakonam 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 petitioner shall report before the learned Judicial Magistrate No.II, Kumbakonam, on all hearing dates without fail, till the committal proceedings are concluded.

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

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

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

[f] the petitioner 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 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]**.

[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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11964 of 2021

Date :23/08/2021

OGY

MS/PN/SAR-4/23.08.2021/3P.6C