



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

Date : 08/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12669 of 2021

Karthi @ Karthikeyan

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
Crime No.2 of 2012.

... Respondent/Complainant

For Petitioner : Mr.B.Anandan,
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.2 of 2012 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested on 03.08.2021 for the offence punishable under Sections 147, 148, 294(b), 324, 325 and 307 IPC, in Cr.No.2 of 2012 on the file of the respondent police, seeks bail.

2. Originally, there are five accused in this case. The petitioner herein is arrayed as A4. The FIR was registered in the year 2012. After filing the final report, the case was taken on file as S.C.No. 259 of 2015. On 28.11.2019, since the petitioner failed to appear before the trial Court, the case has been split up as PRC No.39 of 2015 and a Non-Bailable Warrant of arrest was issued as against him. Thereafter, the Trial Court proceeded the trial as against other accused persons and the case as against other accused persons ended in acquittal. The petitioner was arrested on 03.08.2021.

3. The learned counsel for the petitioner submits that in view of Covid-19 pandemic, the petitioner could not surrender before the Court. The learned counsel further submits that now, the committal proceedings are



over and all other accused were acquitted by the trial Court. Since the petitioner is languishing in jail from 03.08.2021, he prayed for grant of bail. The learned counsel for the petitioner also undertook that the petitioner will appear before the trial Court on all future hearing dates without fail.

WEB COPY

4. The learned Government Advocate (Crl. Side) affirmed the submissions made by the learned counsel for the petitioner and submits that the committal proceedings are over and the case was committed to the sessions Court.

5. Considering the facts and circumstances of the case, the period of incarceration and the undertaking given by the learned counsel for the petitioner that the petitioner will appear before trial Court on all future hearing dates without fail, this Court is inclined to grant bail to the petitioner.

6. 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, Pattukkottai 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 respondent Police daily at 10.30 a.m. until further orders.

[c] the petitioner shall appear before the trial Court on all future hearing dates without fail.

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

[e] the petitioner shall not tamper with evidence or witness either during trial.

[f] 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]**.

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

sd/-
08/09/2021

/ 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.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE OFFICER INCHARGE, SUB JAIL,
PAPANASAM.
 4. THE INSPECTOR OF POLICE,
PATTUKKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12669 of 2021
Date : 08/09/2021

OGY
MS/PN/SAR-3/08.09.2021/3P.6C