



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

Date : 09/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13021 of 2021

DHANABAL

... PETITIONER/ACCUSED NO.3

VS

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.123 OF 2014)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S. RAMSUNDARVIJAYARAJ S,
ADVOCATE.

FOR RESPONDENT : MR.T.SENTHILKUMAR,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

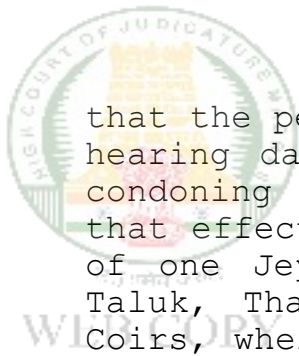
PRAYER :-

For Bail in Crime No.123 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein is A3 in Crime No.123 of 2014. In this case, a charge sheet was filed and the same was taken on file as PRC No.1 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Kadaladi. Since the petitioner failed to appear before the concerned Magistrate, a Non-Bailable Warrant of arrest was issued against him on 06.08.2019 and he was arrested only on 16.06.2021.

2. The learned counsel for the petitioner submits that in view of Covid-19 pandemic, the petitioner could not surrender before the Court. Since the petitioner is languishing in jail from 16.06.2021, he prayed for grant of bail. The learned counsel further submits



that the petitioner will appear before the trial Court on all future hearing dates without fail and he will not file any petition for condoning his absence and he is prepared to file an affidavit to that effect before the trial Court. He has also filed an affidavit of one Jeyaprakash, who is running a coir factory in Orathanadu Taluk, Thanjavur District in the name and style of M/s.Vriksham Coirs, wherein, he agreed to furnish sureties to the petitioner and also enclosed GST Registration Certificate and MSME Certificate.

3. The learned Government Advocate (Crl. Side) submits that due to non-appearance of the petitioner, Non-Bailable Warrant of arrest was issued on 06.08.2019 and the petitioner was secured only on 16.06.2021.

4. Considering the facts and circumstances of the case, the affidavit filed by one Jayaprakash, who is the respectable person in his locality, the willingness of the petitioner to file an undertaking affidavit and also 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.50,000/- (Rupees fifty thousand only), with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kadaladi 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 appear before the trial Court on all future hearing dates without fail.

[c] the petitioner shall file an undertaking affidavit before the trial Court that he will appear before the Court regularly without filing any application to condone his absence on any date of hearing.

[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/-
09/09/2021

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WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msa/OGY

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KADALADI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO MR.S.RAMSUNDARVIJAYRAJ, ADVOCATE,
SR.NO.6117 DATED:09.09.2021.

ORDER
IN
CRL OP(MD) No.13021 of 2021
Date :09/09/2021

GC/SKN/SAR-IV(09.09.2021) 3P 7C