



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13724 of 2021

Sannasi Pandian

... Petitioner/Accused (A4)

Vs

The State rep.by
The Inspector of Police,
Thirugokarnam Police Station
Pudukkottai District
Crime No.113 of 2019

... Respondent/Complainant

For Petitioner : M/S.P.KRISHNAVENI,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.113 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 is facing a charge of the offence under Sections 147, 148, 294(b), 341, 307 and 302 I.P.C, in S.C.No.105 of 2019 on the file of the Principal District and Sessions Judge, Pudukkottai.

2. Since the petitioner failed to appear before the trial Court, a Non Bailable Warrant of arrest was issued on 04.06.2021. On 27.08.2021, the petitioner was arrested on execution of Non Bailable Warrant and remanded to judicial custody.

3. The learned counsel for the petitioner submits that during the issuance of NBW against the petitioner, he was in judicial custody in another case in Crime No.123 of 2021 pending before the respondent police ie. from 05.02.2021 to 07.05.2021. Though the trial Court enlarged the petitioner on bail in Crime No.123 of 2021 on 05.05.2021, due to ill-health and Covid-19 situation, the petitioner was not able to attend the hearing in S.C.No.105 of 2019. The said non-appearance is neither wilful nor wanton, but occurred due to the reasons stated above. 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. The petitioner is languishing in jail from 27.08.2021 and hence, she seeks for grant of bail.

4.The learned Additional Public Prosecutor submits that the petitioner failed to appear before the trial Court and therefore, a Non-Bailable Warrant of arrest was issued on 04.06.2021 and the petitioner was secured only on 27.08.2021. He further submits that in view of the non-appearance on the part of one or other accused, the trial is protracted for the past two years. He further submits that the petitioner is having five previous cases to his credit and therefore, he strongly opposed for grant of bail to this petitioner.

5.It appears that the case has been committed to the Court of Sessions and it is pending for trial.

6.Considering the facts and circumstances of the case, 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.

7. 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.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Pudukkottai and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, having permanent address and the sureties shall ensure the availability of the petitioner for the entire trial.

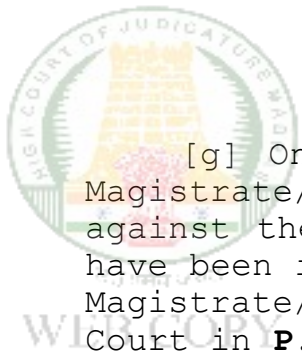
[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the trial Court daily for a period of 30 days and thereafter, shall appear before the trial Court on all future hearing dates without fail.

[d] 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.

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

[f] the petitioner shall not tamper with the evidence or witness during the 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/-

22/09/2021

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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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.

2. THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKOTTAI,
PUDUKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION
PUDUKKOTTAI DISTRICT

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.P.KRISHNAVENI, Advocate SR.No.6464

ORDER

IN

CRL OP(MD) No.13724 of 2021

Date : 22/09/2021

SA/PN/SAR.4/22.09.2021/3P/6C