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

Date : 07/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15361 of 2021

VEERAMANI ... PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ATHIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.97 OF 2018). ... RESPONDENT/COMPLAINANT

For Petitioner : Mr.D.R.Murugesan, Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-
For Bail in Crime No.97 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused is facing a charge of the offence under Sections 147, 148, 294(b), 353, 307 and 427 I.P.C r/w Section 3(1) of TNPPDL Act, in S.C.No.122 of 2021 on the file of the Assistant Sessions cum Sub Court, Pattukkottai.

2. Since the petitioner failed to appear before the trial Court, a Non Bailable Warrant of arrest was issued on 02.08.2019. On 26.07.2021, the petitioner was arrested on execution of Non Bailable Warrant and remanded to judicial custody. Now, the petitioner is before this Court seeking bail.

3. The learned counsel for the petitioner has filed an undertaking affidavit before this Court that he will appear before the trial Court regularly 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.

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4.The learned Additional Public Prosecutor submits that due to non-appearance of the petitioner, Non-Bailable Warrant of arrest was issued. He further submits that though NBW was issued as early as on 02.08.2019, the petitioner was secured only on 26.07.2021. 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 is pending for trial.

6.Considering the facts and circumstances of the case, his readiness to file an undertaking affidavit before the trial Court 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.1,00,000/- (Rupees one lakh only), with two sureties each for a like sum to the satisfaction of the learned Assistant Sessions cum Sub Court, Pattukkottai 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 Judge 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 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].**

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

sd/-
07/10/2021

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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 ASSISTANT SESSIONS CUM SUBORDINATE JUDGE,
   PATTUKKOTTAI.

2. THE OFFICER-INCHARGE,
   SUB JAIL, PATTUKKOTTAI.

3. THE INSPECTOR OF POLICE,
   ATHIRAMPATTINAM POLICE STATION,
   THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.15361 of 2021
Date :07/10/2021

msa
USK/SKN/SAR-III/(07.10.2021) 3P-5C

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