



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.15449 of 2021

1.Karthick @ Red Karthick
2.Vicky @ Vigneswaran
3.Muniyasamy
4.Hanifa ... Petitioner/Accused Nos.4,5,7 & 9

Vs

The state represented by
The Inspector of Police,
Perungudi Police Station
Madurai District
Cr.No.163 of 2014 ... Respondent/Complainant

For Petitioners : Mr.S.Muniyandi,
Advocate
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

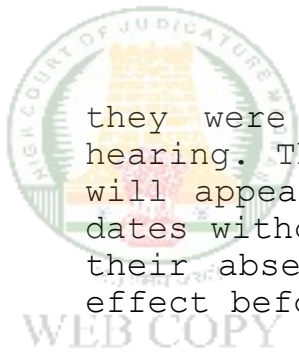
For Bail in Crime No.163 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4, A5, A7 and A9 are facing a charge of the offence under Sections 147, 148, 342, 323, 307 and 302 I.P.C, in S.C.No.553 of 2019 on the file of VI Additional Sessions Judge, Madurai.

2. Since the petitioners failed to appear before the trial Court, a Non Bailable Warrant of arrest was issued on 13.09.2021. On 14.09.2021, the petitioners were arrested on execution of Non Bailable Warrant and remanded to judicial custody. Now, the petitioners are before this Court seeking bail.

3. The learned counsel for the petitioners submits that the petitioners wrongly understood the date of hearing and thereby,



they were not able to appear before the Court on the date of hearing. The learned counsel further submitted that the petitioners will appear before the trial Court regularly on all future hearing dates without fail and they will not file any petition for condoning their absence and they are prepared to file an affidavit to that effect before the trial Court.

4.The learned Additional Public Prosecutor submits that due to non-appearance of the petitioners, Non-Bailable Warrant of arrest was issued. He further submits the petitioners are having previous cases and hence, he strongly opposed for grant of bail.

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

6.In view of the submission made by the learned Additional Public Prosecutor, when this Court is inclined to dismiss the bail application, the learned counsel for the petitioners seeks permission of this Court to furnish the sureties of respectable persons in their locality.

7.Considering the facts and circumstances of the case, their 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 petitioners, however, with stringent conditions.

8.Accordingly, this Criminal Original Petition is ordered. The petitioners are directed to be released on bail on their executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only), each with two sureties each for a like sum to the satisfaction of the learned VI Additional Sessions Judge, Madurai and on further conditions that:

[a] the persons who are giving sureties should be the respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall ensure the availability of the petitioners 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] if the petitioners involve in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount.

[d] the petitioners 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.

[e] the petitioners shall file an undertaking affidavit before the trial Court that they will appear before the Court regularly without filing any application to condone their absence on any date



[f] the petitioners shall not abscond during the trial.

[g] the petitioners shall not tamper with the evidence or witness during trial.

[h] 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]**.

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

sd/-

08/10/2021

/ 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.

TO

- 1 THE VI ADDITIONAL SESSIONS JUDGE,
MADURAI.
- 2 THE SUPERINTENDENT,
FOSTER SCHOOL, MELUR,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15449 of 2021

Date :08/10/2021

msa

SS/SKN/SAR-IV/08.10.2021 : 3P/5C