



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.15429 of 2020

M.Sathyamoorthy

... Petitioner/Accused No.18

Vs

State Rep. by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No. 119 of 2018.

... Respondent/Complainant

For Petitioner : M/s.Pinaygash.I,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

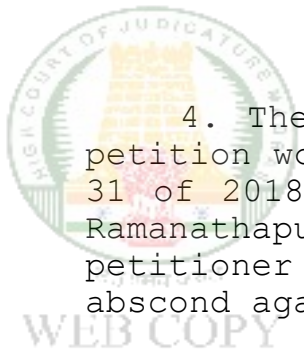
PRAYER :- For Bail in Crime No.119 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A18, who was arrested and remanded to judicial custody on 02.12.2020 for the offences punishable under Sections 147, 148, 324, 302, 506(ii), 120(B), 212, 326, 149, 109 and 342 of IPC on the file of the respondent police seeks bail.

2. Earlier the petitioner was arrested and released on bail. Thereafter the petitioner did not appear before the trial Court , hence Non Bailable Warrant was issued on 09.03.2020. The petitioner was arrested on execution of Non Bailable Warrant on 02.12.2020.

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates since he went to Thiruppur for work he was unable to appear before the trial Court, due to which Non Bailable Warrant came to be issued and the petitioner was remanded to custody on execution of Non Bailable Warrant on 02.12.2020.



4. The learned Government Advocate(Crl.Side) opposing the bail petition would submit that the case is pending Committal in PRC No. 31 of 2018 on the file of the learned Judicial Magistrate No.II, Ramanathapuram. He would also submit that after much difficulty the petitioner was secured and if he is released on bail, he will abscond again, hence he opposed to grant bail to the petitioner.

5.Taking into consideration all the above facts and circumstance and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond after 20.01.2021 for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

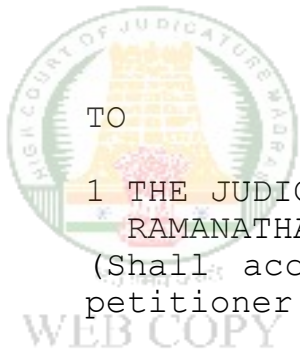
sd/-
07/01/2021

/ 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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.

(Shall accept the sureties furnished by the
petitioner after 20.01.2021)

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,,
DISTRICT JAIL, RAMANATHAPURAM.

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

ORDER

IN

CRL OP(MD) No.15429 of 2020

Date :07/01/2021

AAV

JM/PN/SAR IV/07.01.2021/3P/6C