



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

Date : 29/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16760 of 2021

Thameem Ansari

... Petitioner/5th Accused

Vs

The Sub Inspector of Police,
Chinnamanur Police Station,
Theni District.

Crime No.596 of 2011.

... Respondent/Complainant

For Petitioner : Mr.K.P.Narayanakumar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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

PRAYER :- For Bail in Crime No.596 of 2011 on the file of the
Respondent Police.

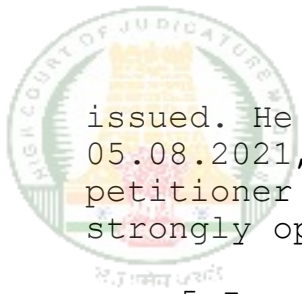
ORDER : The Court made the following order :-

The petitioner/A5 is facing a charge of the offence under
Sections 147, 435 I.P.C and Section 3(1) of TNPPDL Act, in
PRC.No.33 of 2019 on the file of the Judicial Magistrate Court,
Uthamapalayam.

2. Since the petitioner failed to appear before the trial
Court, a Non Bailable Warrant of arrest was issued on 05.08.2021. On
30.09.2021, 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 would submit that the
petitioner 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.

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 05.08.2021, the petitioner was secured only on 30.09.2021. The petitioner is having seven cases to his credit. Therefore, he strongly opposed for grant of bail to this petitioner.

5. In response, the learned counsel appearing for the petitioner would submit that though there are seven cases pending as against this petitioner, one case is filed under Section 75 TNCP Act, three cases are filed under Sections 269 IPC and other three cases are filed under Sections 324 and 326 I.P.C offences.

6. It appears that the case has to be committed to the Court of Sessions and it is pending for the appearance of the petitioner. Considering the antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner. However, the learned counsel for the petitioner submits that he is ready to file an undertaking affidavit before the trial Court that he will appear before the Court regularly without fail and also furnish adequate surety for the same.

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.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam and on further conditions that:

[a] the persons who are giving sureties should be the respectable persons in their locality, having permanent address and the sureties shall ensure the availability of the petitioner till the completion of trial with an undertaking to appear before the trial court for all hearings in future.

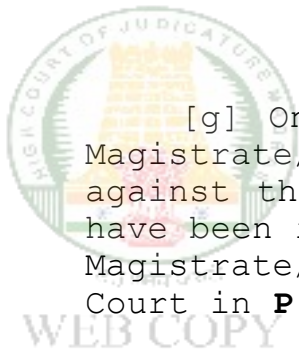
[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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]**.

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

sd/-
29/10/2021

/ 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 JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE SUB INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16760 of 2021
Date : 29/10/2021

PNM/MSA
MS/SKN/SAR-2/29.10.2021/3P.6C