



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17091 of 2021

Sivakumar, ... Petitioner/Accused No.13
Vs
State Rep by,
The Inspector of Police,
Anna Nagar Police Station,
Madurai.
(Crime No. 1435 of 2016). ... Respondent/Complainant

For Petitioner : Mr.K.S.Durai Pandian,
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. 1435 of 2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A13 is facing a charge of the offence under Section 147, 148, 302 and 506(ii)I.P.C, in S.C.No.494 of 2016 on the file of the learned VI Additional Sessions Judge, Madurai.

2. Since the petitioner failed to appear before the trial Court, a Non Bailable Warrant of arrest was issued on 08.09.2021. On 27.09.2021, 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 submits that due to Covid-19, the petitioner could not appear before the court and he was not able to contact his counsel. He further submits that the petitioner is ready to file an undertaking affidavit before the trial Court that he will appear before the trial Court on all future hearing dates without fail.

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 NBW was issued as early as on



08.09.2021 and the petitioner was secured only on 27.09.2021.

5. Considering the facts and circumstances of the case, the petitioner's readiness to file an undertaking affidavit before the trial Court that he will appear before the trial Court on all future hearing dates without fail and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall file undertaking affidavit before the trial Court that he will appear before the trial Court on all future hearing dates without fail.

7. On filing an undertaking affidavit, 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 VI Additional Sessions Judge, Madurai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders; The petitioner shall appear before the trial Court on all future hearing dates without fail;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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]**;

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

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



PNM/OGY

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 INSPECTOR OF POLICE
ANNA NAGAR POLICE STATON, MADURAI.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL.
DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17091 of 2021
Date :01/11/2021

PKP/JM/SAR-1/01.11.2021/3P/5C