



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

Date : 19.11.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17129 of 2021

Rengasamy

... Petitioner/Accused No.14

Vs

The State rep.by
The Inspector of Police,
Gandarakottai Police Station,
Pudukottai District.
Crime No.288 of 2016

... Respondent/Complainant

For Petitioner : Mr.S.MUNIYANDI, 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.288 of 2016 on the file of the respondent police.

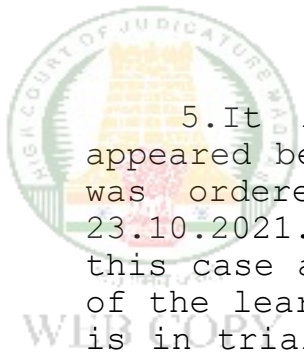
ORDER : The Court made the following order :-

The petitioner/A14 is facing a case for the offences under Sections 147, 148, 294(b), 506(ii) and 149 IPC r/w 3(1) of TNPPDL Act in S.C.No.224 of 2017 on the file of the learned Principal District and Sessions Judge, Pudukottai.

2.Since the petitioner failed to appear before the trial Court, a Non Bailable Warrant of arrest was issued on 21.03.2019. On 23.10.2021, 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 due to Covid-19 Pandemic, the petitioner could not appear before the learned Principal District and Sessions Judge, Pudukottai and therefore, Non-Bailable Warrant was issued against him on 21.03.2019 and that the petitioner was arrested on 23.10.2021. He would further submit that the petitioner undertakes that he will appear before the trial court regularly without any default.

4.The learned Additional Public Prosecutor would submit that due to non-appearance of the petitioner, Non-Bailable Warrant of arrest was issued. He would further submit that though NBW was issued as early as on 21.03.2019, the petitioner was secured only on 23.10.2021. Therefore, he strongly opposed for grant of bail to this petitioner.



5.It is not in dispute that since the petitioner has not appeared before the trial Court on 21.03.2019, Non-bailable Warrant was ordered to be issued and that the same was executed on 23.10.2021. According to the prosecution, there were 15 accused in this case and the case is pending in S.C.No.224 of 2017 on the file of the learned Principal District and Sessions Judge, Pudukottai and is in trial stage. It is also not in dispute that the warrant was issued on 21.03.2019 for the first time against the petitioner herein.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 23.10.2021, 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Pudukottai 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 Aadhar card or Bank pass Book to ensure their identity.

[b] 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.

[c] the petitioner shall not abscond during the trial.

[d] the petitioner shall not tamper with the evidence or witness during 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 229A IPC.

sd/-

19/11/2021

/ TRUE COPY /

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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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKOTTAI.

2 THE OFFICER INCHARGE
SUB JAIL, THIRUMAYAM.

3 THE INSPECTOR OF POLICE,
GANDARVAKOTTAI POLICE STATION,
PUDUKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17129 of 2021

Date :19/11/2021

SA/PN/SAR.4/19.11.2021/3P/5C