



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17713 of 2021

Ajithkumar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Gudalur North Police Station,
Theni District.
Cr.No.32 of 2018.

... Respondent/Complainant

For Petitioner : M/s.ARUNRAJ.K,
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. 32 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 10.06.2019 for the offence punishable under Sections 201 and 302 IPC, in Crime No.32 of 2018, on the file respondent police, seeks bail.

2.The case of the prosecution is that it is a man missing case, based on the complaint given by the defacto complaint, the present case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 10.06.2019.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that they are opposing seriously for granting bail to the petitioner. He would further submit that the petitioner is having seven previous cases.



5. In reply, the learned counsel for the petitioner would submit that the petitioner has already obtained bail in all previous cases.

6. Considering the facts and circumstances of the case and also the fact that the petitioner is in judicial custody from 10.06.2019, that charge sheet has already been filed and the same was taken on file in S.C.No.14 of 2020 on the file of the Additional District Judge (Fast Track Court), Theni and the same is pending for examination of witnesses and also the fact that the petitioner has already obtained bail in previous cases, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered 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 Judicial Magistrate, Uthamapalayam and on further conditions that;

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 concerned Magistrate on all working days 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/-

15/11/2021

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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 JUDICIAL MAGISTRATE
UTHAMAPALAYAM

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

4 THE INSPECTOR OF POLICE
GUDALUR NORTH POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17713 of 2021

Date :15/11/2021

SA/VR/SAR.4/15.11.2021/3P/6C