



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

Date : 25/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18533 of 2021

Petchiappan @ Vadai Petchi ... Petitioner/Accused No.3

Vs

The State Rep.by
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No.456 of 2014.

... Respondent/Complainant

For Petitioner : M/s.Ramesh Raja P.T.,
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.456 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, is facing a case for the offence under Sections 120 (b), 364, 147, 148, 302 r/w 149, 201 of IPC in S.C.No.518 of 2018 on the file of the learned Additional District and Sessions Judge(FTC), Tenkasi.

2.Since the petitioner failed to appear before the Trial Court, a Non Bailable Warrant of arrest was issued on 13.02.2019. On 13.08.2021, 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 Additional District and Sessions Judge(FTC), Tenkasi, and therefore, Non Bailable Warrant was issued against him on 13.02.2019 and that the petitioner was arrested on 13.08.2021. 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 appearing for the respondent 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 13.02.2019, the petitioner was secured only on 13.08.2021 and 5 witnesses were examined before the Trial Court. 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 13.02.2019, Non-Bailable Warrant was ordered to be issued and that the same was executed on 13.08.2021. According to the prosecution, there are 15 accused in this case and the case is pending in S.C.No.518 of 2018 on the file of the learned Additional District and Sessions Judge(FTC), Tenkasi, and is in trial stage. It is also not in dispute that the warrant was issued on 13.02.2019 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 13.08.2021, 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 Additional District & Session Judge, (FTC), Tenkasi.

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 Trial Court 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/-
25/11/2021

/ TRUE COPY /

WEB 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 ADDITIONAL DISTRICT & SESSION JUDGE, (FTC),
TENKASI.

2 THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL JAIL,
PALAYAMKOTTAI.

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

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-8517[I] dated 25/11/2021)

ORDER
IN
CRL OP(MD) No.18533 of 2021
Date :25/11/2021

DSS
MS/VR/SAR-4/25.11.2021/3P.6C