



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

Date : 03.12.2021

PRESENT

**The Hon'ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.19159 of 2021

RAJAMANI

... PETITIONER/ACCUSED NO.2

**VS**

THE STATE REP. BY,  
THE INSPECTOR OF POLICE,  
TALUK POLICE STATION,  
THANJAVUR DISTRICT.  
(CRIME NO.18 OF 2009).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.C.Karthikeyan, Advocate  
for Mr.T.A.Ebenezer, Advocate  
For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

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

**PRAYER :-**

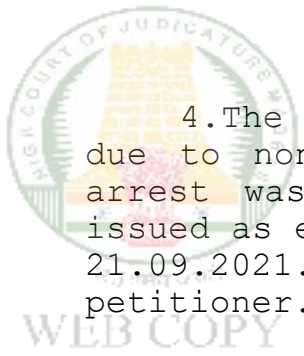
For Bail in Crime No.18 of 2009 on the file of the respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/A2 is facing a case for the offence under Section 379 IPC in C.C.No.332 of 2009 on the file of the learned Judicial Magistrate No.II, Thanjavur, in Crime No.18 of 2009, on the file of the respondent police, seeks bail.

2.Since the petitioner failed to appear before the trial Court, a Non Bailable Warrant of arrest was issued on 23.09.2019. On 21.09.2021, 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 due to Covid-19 Pandemic, the petitioner could not appear before the learned Judicial Magistrate No.II, Thanjavur and therefore, Non-Bailable Warrant was issued against her on 23.09.2019 and that the petitioner was arrested on 21.09.2021. He would further submit that the petitioner undertakes that she 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 23.09.2019, the petitioner was secured only on 21.09.2021. Therefore, he strongly opposed for grant of bail to this petitioner.

5.It is evident from the records that since the petitioner has not turned up for the hearing in the case in C.C.No.332 of 2009 pending on the file of the learned Judicial Magistrate No.II, Thanjavur, Non-bailable Warrant was ordered to be issued and that the same was executed on 21.09.2021. According to the learned Additional Public Prosecutor, Non-Bailable Warrant was pending against A1 and A4 for a long time and recently, the third accused surrendered and therefore, the Non-Bailable Warrant issued against A3 alone was recalled. It is pertinent to mention that the above case filed under Section 379 IPC is pending from 2009 onwards.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 21.09.2021, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is directed to be released on bail on her 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 No.II, Thanjavur 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.

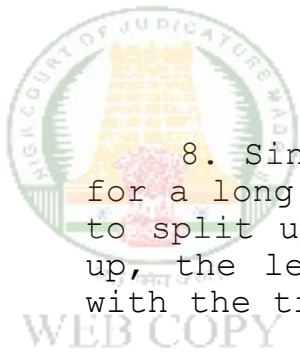
[b] the petitioner shall report before the trial Court daily for a period of 30 days and thereafter, shall appear before the trial Court on all future hearing dates without fail.

[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.



8. Since the Non-Bailable Warrant was pending against A1 and A4 for a long time, the prosecution is directed to take necessary steps to split up the case as against A1 and A4 and if the case is split up, the learned Judicial Magistrate No.II, Thanjavur shall proceed with the trial and complete the same as expeditiously as possible.

sd/-  
03/12/2021

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/ /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 NO.II,  
THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,  
SPECIAL PRISON FOR WOMEN, TRICHY.
4. THE INSPECTOR OF POLICE,  
TALUK POLICE STATION,  
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.19159 of 2021  
Date :03/12/2021

sjj  
USK/PN/SAR-III/(03.12.2021) 3P-6C