



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

Monday, the Thirteenth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.19348 of 2021

FAISUL AHAMED

... PETITIONER/ACCUSED NO.8

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
CR.NO. 300 OF 2012.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.NAVANEETHARAJA.K Advocate
For Respondent : MR.R.MEENAKSHI SUNDARAM,
ADDITIONAL PUBLIC PROSECUTOR

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

PRAYER :

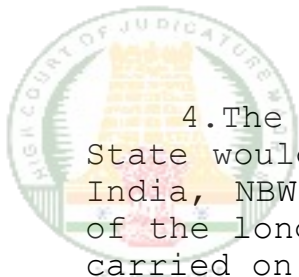
FOR BAIL IN CRIME NO.300 OF 2012 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner is A8 and he was arrested and remanded to judicial custody on 20/10/2021 for the alleged offence punishable under Sections 147, 148, 341, 342, 307 r/w 34 of IPC, in Crime No.300 of 2012 on the file of the respondent police and hence, seeks bail.

2.The petitioner is facing the charge for the offences punishable under Sections 147, 148, 341, 342, 307 r/w 34 of IPC. The petitioner was arrested and remanded to judicial custody on 20/10/2021. The case of of the year 2012.

3.The learned counsel appearing for the petitioner would submit that during the course of investigation, he was granted bail and thereafter went aboard. After completing the investigation process, he has not received any summon from the committal court. But all of a sudden, he was informed that NBW has been issued on 07.08.2019 and he was arrested on 20.10.2021. Since no summon was issued to him, NBW that was issued is not at all valid under law.



4.The learned Additional Public Prosecutor appearing for the State would submit that because of the absence of the petitioner in India, NBW was issued on 07.08.2019 in PRC No.36 of 2019. Because of the long absence of the petitioner, the committal process was not carried on.

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5.For the purpose of ascertaining the fact whether summon has been issued to the petitioner during the committal process, a report has been called for from the committal court. But no report has been received from the concerned court. However, reading of the order that has been passed by the Principal Sessions Judge, Thanjavur shows that only during the committal process, warrant has been issued against this petitioner. Now the PRC is also of the year 2019, even though the crime of the year 2012. When the petitioner shows that he was in aboard after getting bail, even though, no passport has been produced, in the facts and circumstances of this case, on the basis of the of the undertaking given by the petitioner, he will appear before the committal court.

6.In view of the above, this Court is inclined to **grant bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be **released on bail** on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai and on further condition that the petitioner shall report before the respondent police daily at 10.00 am until further orders.

sd/-
13/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.



3 THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

ORDER

IN

CRL OP(MD) No.19348 of 2021

Date :13/12/2021

RS/VR/SAR3(14.12.2021) 3P-6C