



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

Date : 29/12/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.20987 of 2021

YOGARAJ @ KUMAR

... PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
AATHANAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO. 109 OF 2015).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s. Deenadhayalan.S.,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

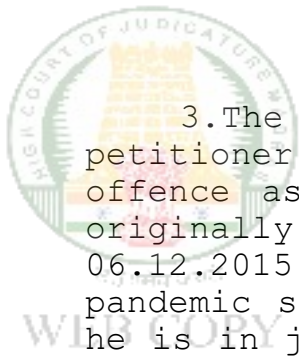
PRAYER :-

For Bail in Crime No. 109 of 2015 on the file of the respondent police.

ORDER : The Court made the following order :-

This petition has been filed to enlarge the petitioner/Accused on bail in C.C.No.72 of 2019 on the file of the learned Judicial Magistrate, Gandarvakkottai, Pudukkottai District.

2.The case of the prosecution is that a case was registered against the petitioner in Crime No.109 of 2015 for the offence under Sections 379 of IPC. After completion of investigation, final report was filed before the learned Judicial Magistrate, Gandarvakkottai, Pudukkottai District, and the same was taken on file in C.C.No.72 of 2019. Due to non appearance of the petitioner, warrant was issued against him and it was executed and subsequently, he was arrested and remanded to judicial custody on 23.10.2021. Hence, this petition.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that originally the petitioner has been arrested during investigation on 06.12.2015 and he was enlarged on bail on 01.02.2016. Due to pandemic situation, he could not appear before the trial Court and he is in judicial custody from 23.10.2021 and more than 70 days he is in custody. Hence, he seeks bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner was arrested on 06.12.2015 in connection with the Crime No.109 of 2015, which was registered for the offence under Section 379 IPC and he was released on bail on 01.02.2016. Thereafter, since the petitioner was continuously absconding, proceeding under Section 82 Cr.P.C., was initiated and subsequently his bail was cancelled and the petitioner was produced on 23.10.2021 before the concerned Court and from onwards, he is in judicial custody.

5.The learned counsel for the petitioner would submit that he is ready to file an undertaking affidavit that he will appear before the concerned Court regularly and co-operate with the learned Judge to complete the trial process.

6.Considering the above said undertaking, this Court is inclined to grant bail to the petitioner with stringent conditions.

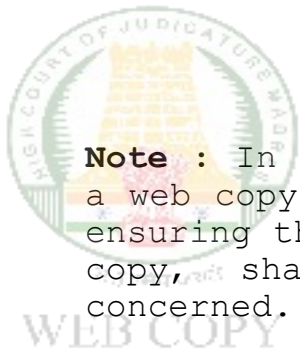
7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Gandarvakkottai, Pudukkottai District, and on further condition that the petitioner shall report before the concerned Magistrate daily at 10.30 a.m for a period of 30 days and also appear before the concerned Court for all hearing dates.

8.The petitioner shall file an undertaking affidavit before the concerned Court that he will appear before the concerned Court regularly and co-operate with the learned Judge to complete the trial process. If any violation is noticed, the bail granted by this Court, shall stand automatically cancelled, without further reference either to this Court or to the Trial Court.

sd/-
29/12/2021

/ TRUE 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 JUDICIAL MAGISTRATE,
GANDARVAKKOTTAI, PUDUKKOTTAI DISTRICT.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
 3. THE OFFICER-INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
 4. THE INSPECTOR OF POLICE,
AATHANAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. DEENADHAYALAN.S. Advocate SR.No.9814.

ORDER
IN
CRL OP(MD) No.20987 of 2021
Date :29/12/2021

USK/CK/SAR-IV/ (29.12.2021) 3P 7C