



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12393 of 2022

SATHISH @ NAGENDRAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
VELLAKOIL POLICE STATION,
THIRUPUR, THIRUPUR DISTRICT.
(CRIME NO.552/2019)

[RESPONDENT]

For Petitioner : M/S C.D.SUGUMAR Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 06.04.2022 for the alleged offences under Sections 32, 120 (B), 201, 302, 342, 392 and 414 of IPC in Crime No.552 of 2019 on the file of the respondent police, seeks bail.

2.The petitioner is the A2 in P.R.C.No.2 of 2021 on the file of the Judicial Magistrate at Kangeyam, Thirupur District and he was arrested by the respondent Police for the aforesaid offences. Due to non-appearance of the petitioner after filing of the PRC, NBW was issued against the petitioner on 16.11.2021.

3.The learned Government Advocate submitted that since the petitioner was absconding for the past 7 months, the learned Judicial Magistrate had issued NBW and based upon which the accused has been remanded to judicial custody. The learned Government Advocate further submitted that the case is now pending in P.R.C.No.2 of 2021 before the Judicial Magistrate at Kangeyam, Tiruppur District. He further submitted that the case is posted on 30.05.2022 for committal.



4.The learned counsel for the petitioner submitted that a false complaint has been foisted against the petitioner and he has not committed any offence as alleged by the prosecution. All the allegations stated in the FIR are all false. The learned counsel submitted that the petitioner has already suffered incarceration for the past 48 days. He further submits that the petitioner is regularly appearing before the Lower Court as well as cooperating with the trial.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner already suffered incarceration for the past 48 days and is pending before the concerned Court, this Court is inclined to grant bail to the petitioner subject to stringent conditions.

6.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, for a like sum to the satisfaction of the Judicial Magistrate, Kangeyam, Thirupur, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the Judicial Magistrate, Kangeyam, Thirupur on every Monday at 10.30 a.m., till the date of committal.

[c] the petitioner shall appear before the Trial Court on all hearing dates.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

25/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
KANGEYAM, THIRUPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 INSPECTOR OF POLICE
VELLAKOIL POLICE STATION,
THIRUPPUR, THIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S C.D.SUGUMAR Advocate on payment of necessary charges

CRL OP.12393/2022

Date :25/05/2022

CSK 27/05/2022