



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09.02.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.341 of 2022

Sathish Kumar ... Petitioner/ Accused No.11
Vs

The State represented by
The Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
(Crime No.122 of 2010)

... Respondent/ Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.122 of 2010 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.11, who was arrested and remanded to judicial custody on 22.12.2021 for the offences punishable under Sections 147, 148, 149 and 447 IPC r/w Section 3(1) of TNPPDL Act, in Crime No.122 of 2010, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused trespassed into the land of the defacto complainant's mother-in-law and abused her in filthy language and also attacked her and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the warrant was issued for the first time against the petitioner herein.

5.It is not in dispute that since the petitioner has not turned up for the hearing on 04.07.2019, Non-Bailable Warrant was ordered to be issued and that the same was executed on 22.12.2021 and he is still in judicial custody.



6.Considering the above facts and circumstances and also the fact that the petitioner is in judicial custody from 22.12.2021, 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 learned Judicial Magistrate, Aranthangi.

(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 for a period of fourteen (14) days and thereafter, as and when required for interrogation;

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/02/2022

/ TRUE COPY /

/ /2022

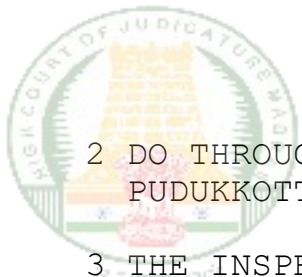
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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,
ARANTHANGI.

<https://hcservices.ecourts.gov.in/hcservices/>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
NAGUDI POLICE STATION, PUDUKKOTTAI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.

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

ORDER

IN

CRL OP(MD) No.341 of 2022

Date :09/02/2022

SS/SBN/SAR-I/10.02.2022 : 3P/6C