



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD) . No.1160 of 2022

Mano @ Manogaran

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
(Crime No.172 of 2018)

... Respondent/Complainant

For Petitioner : Mr.K.M.KARUNAKARAN, 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.172 of 2018 on the file of the Respondent police

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 02.08.2021 for the offence punishable under Section 302 IPC, in Crime No.172 of 2018, on the file of the respondent police, seeks bail.

2.It is seen from the records that since the petitioner has not turned up for the hearing on 20.04.2021, Non-Bailable Warrant was ordered to be issued and the same was executed on 02.08.2021 and he is still in judicial custody.

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

4.The learned Additional Public Prosecutor would submit that the petitioner is having 10 previous cases, in which, one case was disposed of, two cases were referred and the remaining cases are pending.

5.It is not in dispute that charges were already framed and the case is pending for trial.

6.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 02.08.2021 and that the case is pending for trial, 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 Principal District and Sessions Court, Thanjavur.

(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 on all working days at 10.30 a.m., until further orders;

(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/-

15/02/2022

/ TRUE COPY /

15/02/2022

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE, THANJAVUR.

2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

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

ORDER IN

CRL OP(MD) No.1160 of 2022

Date : 15/02/2022

SA/MS/SAR.1/15.02.2022/2P/5C