



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2540 of 2022

Sakthivel

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
Cr.No.620 of 2009.

... Respondent/Complainant

For Petitioner : Mr.R.KATHIRESAPERUMAL,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.620 of 2009 on the file of the Respondent police.

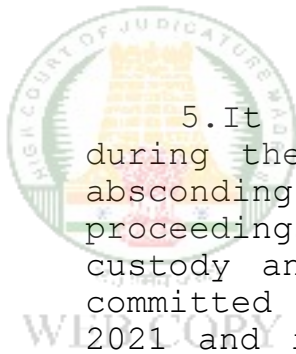
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 09.08.2021 in S.C.No.114 of 2021, on the file of Additional Sub Court, Pudukkottai, seeks bail.

2.The case of the prosecution is that the wife of the petitioner was assaulted by the *defacto* complainant and the same was questioned by the petitioner and others, the *defacto* complainant developed grudge against the petitioner and others and lodged the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was not arrested during the investigation and the respondent police has filed the absconding charge sheet and during the committal proceedings the petitioner was remanded to judicial custody from 09.08.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that the respondent police has filed the absconding charge sheet against the petitioner and he is in judicial custody from 09.08.2021. He would fairly concede that no previous case is pending against the petitioner herein.



5.It is not in dispute that the petitioner was not arrested during the investigation and the respondent police has filed the absconding charge sheet and during the pendency of the committal proceedings, the petitioner was arrested and remanded to judicial custody and that thereafter, the case against the petitioner was committed to Sessions Court and was taken on file as S.C. No.114 of 2021 and is pending on the file of Additional Assistant Sessions Court, Pudukottai.

6.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 09.08.2021 and that the petitioner is not having any other previous case, 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 Additional Sub Judge, Pudukottai District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge/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 daily at 10.30 a.m on all working days, 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 Judge/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 Judge/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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/02/2022

/ TRUE COPY /

07/02/2022

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 ADDITIONAL SUBORDINATE JUDGE,
PUDUKOTTAI.

2 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2540 of 2022

Date :07/02/2022

SA/VR/SAR.3/07.02.2022/3P/5C