



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

Date : 07/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5824 of 2022

WEB COPY

Mahalingam

... Petitioner/Accused No.6

Vs

State represented by
The Sub-Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.
(Crime No.444 of 2013).

... Respondent/Complainant

For Petitioner : Mr.M.Sankar, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

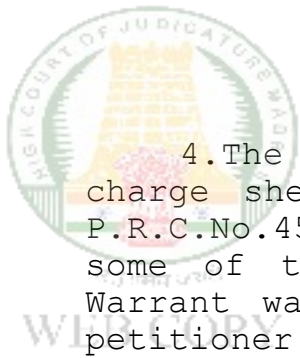
For Bail in connection with the case in P.R.C.No.45 of 2015 before the learned Judicial Magistrate Court, Ambasamudram, Tirunelveli District, in Crime No.444 of 2013 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.6 is facing a case for the offences punishable under Sections 363 and 392 IPC altered into Sections 363 and 397 IPC r/w 34 IPC, in P.R.C.No.45 of 2015, on the file of the learned Judicial Magistrate Court, Ambasamudram, Tirunelveli District, in Crime No.444 of 2013, on the file of the respondent police, seeks bail.

2.It is evident from the records that since the petitioner has not turned up for the hearing on 06.09.2021, Non-Bailable Warrant was ordered to be issued and the same was executed on 28.02.2022 and the petitioner is in judicial custody till now.

3.The learned counsel for the petitioner would submit that due to ill health, the petitioner did not appear for the hearing on 06.09.2021 and hence, Non-bailable Warrant was ordered to be issued. The learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, the petitioner has specifically stated that he would appear before the concerned Court regularly.



4.The learned Additional Public Prosecutor would submit that charge sheet has been filed and the same was taken on file in P.R.C.No.45 of 2015 and that Non-Bailable Warrant is pending against some of the accused. He would further submit that Non-Bailable Warrant was ordered to be issued for the first time against the petitioner.

5.Considering the above facts and circumstances and also the fact that the petitioner is in judicial custody from 28.02.2022 and also taking note of the undertaking affidavit, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 No.5, Tirunelveli.

(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 committal Court 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 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/-
07/04/2022

/ TRUE COPY /

07/04/2022
Sub-Assistant Registrar (C.S-IV)
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 NO.5,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.

ORDER

IN

CRL OP(MD) No.5824 of 2022

Date :07/04/2022

CSM

USK/PN/SAR-IV/07.04.2022/3P/7C