



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

Date : 05/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6236 of 2022

Dharmar @ Viji

... Petitioner/Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
Crime.No.256/2011.

... Respondent/Respondent/Complainant

For Petitioner : M/s.Arul Jenifer, A,
Advocate.

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

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

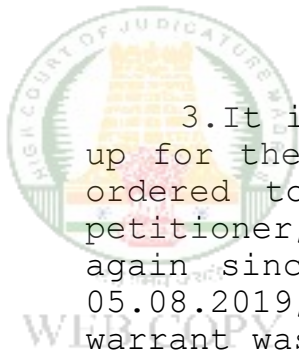
PRAYER :-

For Bail in Crime No.256 of 2011 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused is facing a case for the offence punishable under Section 302 of IPC in S.C.No.367 of 2018 on the file of the learned Additional District and Sessions Judge, Dindigul in Crime No.256 of 2011 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased and the accused were close associates, that they consumed alcohol regularly at the bar and that on the fateful night, the deceased pledged the jewels of his wife for the purpose of consuming alcohol. Due to which, there was a dispute between the deceased and his wife, that the petitioner was presumed one among the reason for pledging the jewels, that there was a dispute between the deceased and the accused, that the accused was derogated using the caste remarks by the deceased and that there was a sudden provocation between them caused the death of the deceased by the accused. Hence, the complaint.



3.It is not in dispute that since the petitioner has not turned up for the hearing on 20.03.2019, Non-Bailable Warrant (NBW) was ordered to be issued, that subsequently at the instance of the petitioner, warrant was recalled vide order dated 29.04.2019, that again since the petitioner has not turned up for the hearing on 05.08.2019, Non-Bailable Warrant was ordered to issued and that warrant was executed on 22.01.2022 and he is still in custody.

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

5.The learned Additional Public Prosecutor would submit that the Non-Bailable Warrant was issued for the second time and the same was executed against the petitioner and that the charges were already framed and the case is pending for trial.

6.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 22.01.2022, that the case is pending for trial and that the petitioner is not having any bad antecedents, 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 District and Sessions Judge, Dindigul.

(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/-

05/04/2022

/ TRUE COPY /

05/04/2022

Sub-Assistant Registrar (C.S-I)
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 DISTRICT & SESSIONS JUDGE,
DINDIGUL.
2. THE OFFICER-INCHARGE,
SUB-JAIL, DINDIGUL.
3. THE INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.ARUL JENIFER, Advocate (SR-2973[I] dated 05/04/2022)

ORDER

IN

CRL OP(MD) No.6236 of 2022

Date :05/04/2022

sj i

USK/PN/SAR-I/05.04.2022/3P/6C