



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6572 of 2022

Sathish

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Musiri Police Station,
Tiruchirppalli District.
Crime No.86/2017.

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
for Mr.K.Prabhu, Advocate

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

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

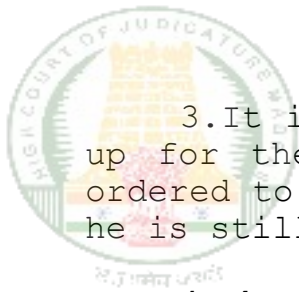
PRAYER :-

For Bail in Crime No.86 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 is facing a case for the offence punishable under Section 294(b), 324, 307, 323, 326, 109 and 120-B of IPC in S.C.No.73 of 2021 on the file of the learned Principal District and Sessions Judge, Tiruchirapalli in crime No.86 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the husband of the de-facto complainant gave money to the first accused to the tune of Rs.5,00,000/- by obtaining a cheque as security. A1 did not return the same, the husband of the de-facto complainant presented the cheque and as it was bounced, therefore, he sent a legal notice to A1 through his advocate. Due to which, the petitioner along with other accused came to the house of the de-facto complainant and attacked her husband and his friends with aruval and hockey stick and thereby, the husband of the de-facto complainant sustained injuries. Hence, the complaint.



3.It is not in dispute that since the petitioner has not turned up for the hearing on 26.03.2021, Non-Bailable Warrant (NBW) was ordered to be issued and that warrant was executed on 28.03.2022 and he is still in judicial 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 Non-Bailable Warrant was issued for the first time and that the trial is yet to be commenced.

6.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 28.03.2022 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 Judge, Tiruchirappalli.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions 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 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 Sessions Judge/concerned 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 Sessions 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

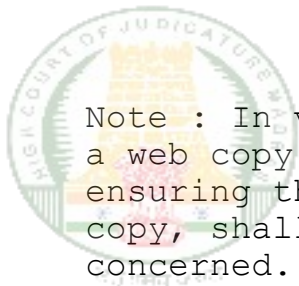
sd/-

08/04/2022

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08/04/2022

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.

WEB COPY

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUCHIRAPPALLI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-3159[I] dated 08/04/2022)

ORDER
IN
CRL OP(MD) No.6572 of 2022
Date :08/04/2022

RS/PN/SAR.1 (08.04.2022) 3P-6C