



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

Date : 20/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7323 of 2022

Suresh

... Petitioner/Accused No.7

Vs

The State Rep. By,
The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
Crime.No.221 of 2019.

... Respondent/Complainant

For Petitioner : M/s. Jinnah.S.M.A.,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in S.C.No.01 of 2020 before the learned II Additional District and Sessions Judge, Tuticorin in Crime No.221 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A7 is facing a case for the offences punishable under Sections 147, 148, 341, 294(b), 302, 506(ii), 120(b), 34, 149, 114, 352 and 109 IPC in S.C.No.01 of 2020 on the file of the learned II Additional District and Sessions Judge, Tuticorin in Crime No.221 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.07.2019 at about 05.30 p.m, the petitioner along with other accused abused the de-facto complainant's brother in filthy language and attacked him. Hence, the complaint.

3.It is not in dispute that since the petitioner has not turned up for the hearing on 14.12.2021, Non-Bailable Warrant (NBW) was ordered to be issued and that warrant was executed on 05.03.2022 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 first time and that the Non-Bailable Warrant is pending against the sixth accused.

6.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 05.03.2022 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 II Additional District and Sessions Judge, Tuticorin.

(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/-

20/04/2022

/ TRUE COPY /

20/04/2022

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



TO

1. THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TUTICORIN.
2. THE INSPECTOR OF POLICE,
PUDUKKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7323 of 2022
Date :20/04/2022

sj i
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