



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

Date : 29/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.8307 of 2022

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Vijayan

... Petitioner/9th Accused

Vs

State Rep.by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.147 of 2020).

... Respondent/Complainant

For Petitioner : Mr.S.Vijayakumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

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

PRAYER :-

For Bail in connection with the case in S.C.No.120 of 2021 before the learned Additional Sessions Judge (FTC), Theni, in Crime No.147 of 2020 on the file of the Respondent Police.

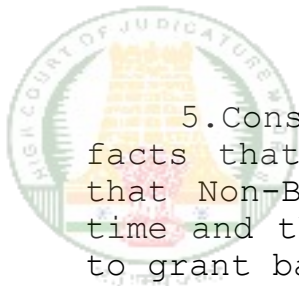
ORDER : The Court made the following order :-

The petitioner/A.9, who is facing a case for the offences punishable under Sections 147, 148, 149, 302, 120(b), 109 IPC r/w 34 IPC, in S.C.No.120 of 2021, on the file of the learned Additional Sessions Judge (FTC), Theni, in Crime No.147 of 2020, 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 07.03.2022, Non-Bailable Warrant was ordered to be issued and the same was executed on 28.03.2022 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 07.03.2022 and hence, Non-bailable Warrant was ordered to be issued.

4.The learned Government Advocate (Criminal Side) would submit that Non-Bailable Warrant was ordered to be issued for the first time so far as the petitioner is concerned.



5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 28.03.2022, that Non-Bailable Warrant was ordered to be issued for the first time and that the case is pending for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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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 Additional Sessions Judge (FTC), Theni.

(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 learned Judicial Magistrate, Uthamapalayam, daily at 10.30 a.m., till vacation and thereafter 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 Sessions 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 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/04/2022

/ TRUE COPY /

29/04/2022

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.



TO

1 THE ADDITIONAL SESSIONS JUDGE (FTC),
THENI.

2 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

4 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

5 THE OFFICER INCHARGE,
DISTRICT PRISON,
THENI.

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

+1 CC to M/s.S.VIJAYAKUMAR, Advocate (SR-4184[I] dated 29/04/2022)

ORDER

IN

CRL OP(MD) No.8307 of 2022

Date :29/04/2022

RS/PN/SAR.4 (29.04.2022) 3P-8C