



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/05/2022

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

WEB COPY

CRL OP(MD). No.8931 of 2022

Jeyaprabhu

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : M/s.C.IYYAPPARAJ, Advocate.
For Respondent : Mr.A.THIRUVADIKUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.147 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who is charged for the offence under Sections 147, 148, 149, 302, 120(b), 109 IPC which is pending before the learned Additional Sessions Court(FTC), Theni in S.C.No.12 of 2022 in Crime No.147 of 2020, on the file of the respondent police, seeks bail.

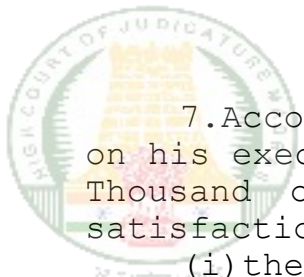
2.Originally, the petitioner was granted bail in connection with the aforesaid crime which came to be subsequently cancelled. Thereafter, owing to his non-appearance before the learned Additional Sessions Court(FTC), Theni, a non-bailable warrant was issued on 31.08.2021 and consequently, he was arrested on 04.02.2022 in connection with the warrant. The present arrest is only based on the non-bailable warrant issued against the petitioner herein.

3.The learned counsel for the petitioner submitted that originally, bail was granted on merits and thereafter it was cancelled, on the ground that the petitioner was involved in other cases.

4.This Court, for merits of the case granted bail and the cancellation of the bail, was not on merits and owing to his involvement in the subsequent cases.

5.This Court is of the view that the petitioner can be considered for grant of bail in the present case, which arrest is only based on the non bailable warrant issued against him.

6.In the light of the above, this Court is of the view that the petitioner herein shall co-operate with the trial and appear before the learned Additional Sessions Court(FTC), Theni for all hearings.



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 Additional Sessions Court (FTC), Theni.

(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 daily at 10.30 a.m., until further orders;

(iii) The petitioner shall also file an undertaking affidavit before the trial Court that he will co-operate during the trial;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial;

(vi) 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]**.

sd/-

06/05/2022

/ TRUE COPY /

06/05/2022

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, FAST TRACK COURT, THENI.

2 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL.

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

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

+1. CC to M/S.IYYAPPARAJ.C., Advocate SR.No.4432

ORDER IN

CRL OP(MD) No.8931 of 2022

Date : 06/05/2022

SA/PN/SAR.4/06.05.2022/2P/6C

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