



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2022

WEB COPY

PRESENT

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

CRL OP(MD) . No.8783 of 2022

Anandh

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Avaniyapuram Police Station,
Madurai
(Crime No.311 of 2004)

... Respondent/Complainant

For Petitioner : Mr.R.Venkatesan,
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.311 of 2004 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who is facing a case for the offence punishable under Sections 399 and 402 of IPC in S.C.No.9 of 2017 on the file of the learned V Additional District and Sessions Judge, Madurai in crime No.311 of 2004, on the file of the respondent police, seeks bail.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.According to the learned counsel for the petitioner, the petitioner could not attend the court, since he was down with viral fever and also since there was a lock down during the relevant point of time owing to Covid-19 pandemic. Though the case on hand pertains to 2004, it is now posted for examination of L.W.1 to L.W.15.



4.This Court is of the view that if the petitioner is directed to file an undertaking affidavit to co-operate with the trial, he could be granted bail.

5.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 V Additional District and Sessions Judge, Madurai.

(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 also file an undertaking affidavit before the trial Court that he will co-operate during the trial;

(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]***.

sd/-

05/05/2022

/ TRUE COPY /

05/05/2022

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 V ADDITIONAL DISTRICT AND SESSION JUDGE,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION, MADURAI

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

+1 CC to Mr.R.VENKATESAN, Advocate (SR-4323[I] dated 05/05/2022)

ORDER

IN

CRL OP(MD) No.8783 of 2022

Date :05/05/2022

SJI/LM

MK/GSV/SAR.III/05.05.2022/3P/6C