



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.9372 of 2022

Antony @ Antony Raj

... Petitioner/1st Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Srivaikundam Police Station,
Tuticorin District.
(Crime No.74/2015)

... Respondent/Complainant

For Petitioner : Mr.M.S.Jeyakarthik,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.74 of 2015 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded judicial custody on 20.04.2022 for the offences punishable under Sections 147, 148, 302, 307 and 506(ii) IPC in Crime No.74 of 2015, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.03.2015, the accused persons unlawfully assembled and committed murder and also caused sever life threat to the defacto complainant's brother. Hence, the complaint.

3.Since, the petitioner did not appear before the trial Court, Non Bailable Warrant was issued on 14.09.2019. The petitioner was arrested on execution of Non Bailable Warrant on 20.04.2022.

4.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates and he was unable to appear before the trial Court on

<https://hdservices.gripts.gov.in/hdservices/>



came to be issued and the petitioner was remanded to custody, pursuant to the execution of Non Bailable Warrant on 20.04.2022.

5.The learned Additional Public Prosecutor for the respondent police would submit that the petitioner was secured with much difficulty and if he is released on bail, there will not be any progress in the trial. Hence he opposed to grant bail to the petitioner.

6.Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner was arrested on execution of Non bailable Warrant and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing 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 Judicial Magistrate No.I, Srivaikundram.

(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 respondent police daily at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation;

(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/-

18/05/2022

/ TRUE COPY /

18/05/2022

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 JUDICIAL MAGISTRATE NO.I, SRIVAIKUNDRAM,
TUTICORIN

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE SUB INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT.

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

+1. C.C. to Mr.M.S.Jeyakarthik, Advocate SR.No.4736.

ORDER
IN
CRL OP(MD) No.9372 of 2022
Date :18/05/2022

IAS
MK/SVR/SAR.II/18.05.2022/3P/7C