



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/06/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.9904 of 2022

Dinesh @ Elumbu Dinesh, ... Petitioner/Accused Rank Not Known

Vs

The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.

Cr.No.15/2013.

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian N,
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

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

PRAYER :-

For Bail in Crime No.15/2013 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 147, 148, 341 and 307 of IPC in S.C.No.348 of 2015 on the file of the learned Additional Sub Judge, Thanjavur in crime No.15 of 2013 on the file of the respondent police, seeks bail.

2.It is not in dispute that since the petitioner has not turned up for the hearing on 18.11.2019, Non-Bailable Warrant (NBW) was ordered to be issued and that warrant was executed on 17.02.2022 and he is still in judicial custody.

3.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.

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4.The learned Government Advocate (Crl.Side) would submit that Non-Bailable Warrant was issued against the petitioner for the first time. He would further submit that the petitioner is having five previous cases, which are still pending.

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5.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 17.02.2022 and that Non-Bailable Warrant was issued against the petitioner for the first time as stated by the learned Government Advocate (Crl. side), this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 Judicial Magistrate No.I, Thanjavur.

(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 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 Sessions Judge/concerned 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/06/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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1. The Judicial Magistrate No.I, Thanjavur.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.
3. The Additional Sub Judge, Thanjavur.
4. The Officer Incharge,
District Prison, Pudukottai.
5. The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.9904 of 2022
Date : 13/06/2022

TR/PN/SAR-I (13.06.2022) 3P 7C