



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16.06.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10726 of 2022

Stalin Joseph

... Petitioner/Petitioner/
Accused No.7

Vs

The State represented by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
(Crime No.1908 of 2020).

... Respondent/Respondent/
Complainant

For Petitioner : Mr.M.Suresh,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :- For Bail in S.C.No.125 of 2021 on the file of the learned Additional District and Sessions Judge, Dindigul.

ORDER : The Court made the following order :-

The petitioner/A.7 is facing a case for the offences punishable under Sections 120(B), 147, 148, 149, 302 and 506(2) IPC, in S.C.No.125 of 2021 on the file of the learned Additional District and Sessions Judge, Dindigul, in Crime No.1908 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused assaulted the deceased, due to that, he died. Hence, the complaint.

3.It is not in dispute that since the petitioner has not turned up for the hearing on 15.11.2021, Non-Bailable Warrant (NBW) was ordered to be issued and the same was executed on 09.02.2022 and he is still in judicial custody.

4.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.



5.The learned Additional Public Prosecutor would submit that the petitioner is having three previous cases. He would further submit that the case is posted for framing of charges and that the other accused are appearing before the concerned Court.

6.Considering the above facts and circumstances and also the fact that the petitioner is in judicial custody from 09.02.2022 and that the case is posted for framing of charges, this Court is inclined to grant bail to the petitioner subject to the following 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 Additional District and Sessions Judge, Dindigul.

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

sd/-
16/06/2022

/ TRUE COPY /

16/06/2022
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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
DINDIGUL.

2 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL.

3 THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.SURESH.M Advocate SR.No.5627

ORDER

IN

CRL OP(MD) No.10726 of 2022

Date :16/06/2022

SA/PN/SAR.3/16.06.2022/3P/6C