



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/09/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17294 of 2022

Boominathan

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Koodal Pudhur Police Station,
Madurai City.
Crime No.388/2015.

... Respondent/Complainant

For Petitioner : M/s.Jegadeesh Pandian M,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

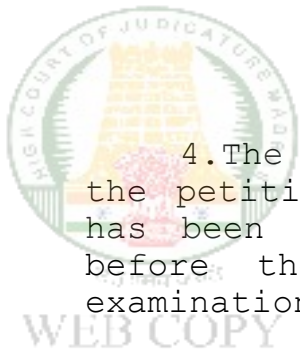
To release the Petitioner/Accused No.1 on bail in SC No.250/2016 on the file of Learned VI Additional Sessions Judge, Madurai.

ORDER : The Court made the following order :-

The petitioner/A1 is facing a case for the offence punishable under Sections 147, 148 and 302 r/w 149 IPC in S.C.No.250 of 2016 on the file of the learned VI Additional Sessions Judge, Madurai in crime No.388 of 2015 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in S.C.No.250 of 2016 before the learned VI Additional Sessions Judge, Madurai. Therefore, Non-Bailable Warrant came to be issued on 31.08.2021 and the same was executed on 08.02.2022 and he is still in judicial custody.

3.The learned counsel for the appearing for the petitioner would submit that due to illness, the petitioner could not appear before the learned VI Additional Sessions Judge, Madurai and therefore, Non-Bailable Warrant was issued against him on 31.08.2021. He would further submit that the act of the petitioner is neither wilful nor wanton and prays for bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that the petitioner is having six previous cases and the investigation has been completed and the charge sheet has already been filed before the concerned Court and the case stands posted for examination of the Investigation Officer on 20.10.2022.

5.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 08.02.2022 and that the case is pending for trial, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned VI Additional Sessions Judge, Madurai.

(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/-

28/09/2022

/ TRUE COPY /

28/09/2022

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 VI ADDITIONAL SESSIONS JUDGE,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE
KODAL PUDHUR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17294 of 2022

Date :28/09/2022

sjj

USK/VR/SAR-III/28.09.2022/3P/5C