



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.17571 of 2022

K.Krishnakumar

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Sellur Police Station,
Madurai City.
(Cr.No.2509/2016) .

... Respondent/Complainant

For Petitioner : M/s.MANIMARAN.NA.,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate (Crl.Side)

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

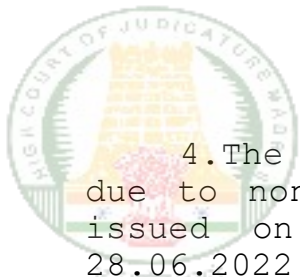
PRAYER :- To enlarge the petitioner on bail in S.C.No.256/2018 on the file of the learned V Additional District and Sessions Judge, Madurai in connection with Crime No.2509/2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who is facing a case for the offence under Sections 341, 392, 397 and 302 IPC in S.C.No.256 2018 on the file of the learned V Additional District and Sessions Judge, Madurai in crime No.2509 of 2016 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in S.C.No.256/2018 before the learned V Additional District and Sessions Judge, Madurai. Therefore, Non-Bailable Warrant came to be issued on 15.12.2020 and the same was executed on 28.06.2022 and he is still in judicial custody.

3.The learned counsel appearing for the petitioner would submit that since the petitioner went to attend his relative funeral, he was not able to appear before the learned V Additional District and Sessions Judge, Madurai. Therefore, Non-Bailable Warrant was issued against him on 15.12.2020 and he was arrested and remanded in judicial custody on 28.06.2022. Hence, he prays for bail to the petitioner.



4.The learned Government Advocate (Crl. side) would submit that due to non-appearance of the petitioner, Non-Bailable Warrant was issued on 15.12.2020 and the petitioner was secured only on 28.06.2022. He would further submit that because of non-appearance of the petitioner, the case is pending without any progress. Hence, he strongly opposed to grant bail.

5.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 28.06.2022 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 Judicial Magistrate No.II, 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 is directed to deposit a sum of **Rs.3,000/- (Rupees Three Thousand only) to the credit of Claretian Mercy Home, Azhagusirai, Ponnangalam (post) Thirumangalam Taluk, Madurai District, Union Bank of India, Kochadai Account No. 493902010319538, IFSC Code No. UBIN 0549398) (Phone Nos. 04549-294901 & 8098672866)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii)the petitioner shall report before the trial Court on all hearing dates without fail;

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial.

(vi)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/-

12/10/2022

/ TRUE COPY /

13/10/2022

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



TO

- 1 THE V ADDITIONAL DISTRICT & SESSIONS JUDGE,
MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI CITY.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
CLARETIAN MERCY HOME,
AZHAGUSIRAI, PONNAMANGALAM (POST)
THIRUMANGALAM TALUK, MADURAI DISTRICT.

+1. CC to M/S.MANIMARAN.NA. Advocate SR.No.11335

ORDER

IN

CRL OP(MD) No.17571 of 2022

Date :12/10/2022

sj i

SA/SBN/SAR. /13.10.2022/3P/9C