



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20.12.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

WEB COPY

CRL OP(MD).No.17557 of 2022

Ganesan

... Petitioner/Accused No: 3

Vs

The State rep.by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.

Crime No.269 of 2016

... Respondent/Complainant

U/s.342,323,506(ii),302 of IPC r/w 34 of IPC

For Petitioner : Mr.M.Suresh
Advocate.

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

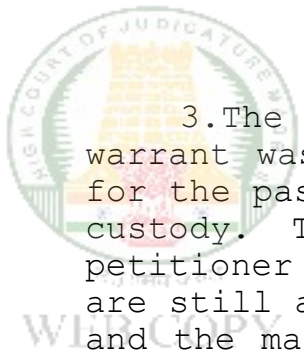
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.269 of 2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 11.07.2022 for the offences punishable under Section 342, 323, 506(ii), 302 of IPC read with 34 of IPC in S.C.No.108/2016 in Crime No.269 of 2016, on the file of the respondent police, seeks bail.

2. On the side of the petitioner, it is stated that the petitioner was absent for only one hearing and a non-bailable warrant was issued against him. The petitioner was arrested on 11.07.2022 and he is in custody for the past five months. The petitioner has filed a petition for bail and the same was dismissed on 06.09.2022 with a direction to the lower Court to split up the case against the accused Nos.1 and 2 and dispose of the case within a period of three months from the date of receipt of copy of that order. The period of three months was already over. The prosecution has not speed up the trial and prayed the petitioner to be released on bail.



3.The learned Government Advocate stated that a non-bailable warrant was issued in the year 2018. The petitioner was absconding for the past four years. Only then, he was arrested and detained in custody. The petitioner is having three previous cases. The petitioner herein is the third accused and the accused Nos.1 and 2 are still absconding. The prosecution has produced all the witnesses and the matter is posted for further proceedings under Section 313 of Cr.P.C. If the petitioner is released on bail, there is a chance for the petitioner to abscond again.

4.It is seen that the earlier petition was dismissed on 06.09.2022 with a direction to the trial Court to split up the case after disposal of the case within a period of three months. The period of three months was already over. The prosecution has completed the evidence. The petitioner is in judicial custody for the past five months. In view of the same, this Court is inclined to release the petitioner on bail on the following conditions:

5.The petitioner is ordered to be released on bail, on 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 Additional District and Sessions Judge, Dindigul, and on further conditions that:

(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., until further orders;

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

(iv)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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]**.

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/12/2022

/ TRUE COPY /

22/12/2022

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



TO

1 THE ADDITIONAL DISTRICT AND 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.15228

ORDER

IN

CRL OP(MD) No.17557 of 2022
Date :20/12/2022

vsd

SA/VR/SAR.1/22.12.2022/3P/6C