



WEB COPY

CRL OP(MD). N



22

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

Date : 30/09/2022

PRESENT

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

CRL OP(MD). No.17535 of 2022

1. Tamilselvan
2. Karthick

... Petitioners/Accused Nos.3 & 1

Vs

The State rep.by,
The Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.
Crime No.85 of 2018.

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K.M.,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-To enlarge the petitioners on bail in S.C.No.05 of 2019 on the file of the learned Principal Assistant Sessions Court, Thanjavur in Crime No.85 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 & A2, who are facing a case for the offence punishable under Section 399 IPC in S.C.No.05 of 2019 on the file of the learned Principal Assistant Sessions Court, Thanjavur in Crime No.85 of 2018 on the file of the respondent police, seek bail.

2.The petitioners were absent during the trial in S.C.No.05 of 2019 before the learned Principal Assistant Sessions Court, Thanjavur. Therefore, Non-Bailable Warrant came to be issued on 02.08.2022 and the same was executed on 12.09.2022 and they are still in judicial custody.

3.The learned counsel for the appearing for the petitioners submitted that due to illness, the petitioners could not appear



before the learned Principal Assistant Sessions Court, Thanjavur and therefore, Non-Bailable Warrant was issued against them on 02.08.2022. He would further submit that the petitioners are in judicial custody from 12.09.2022 and prays for bail to the petitioners.

WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioners are having 20 previous cases and the investigation has been completed and the charge sheet has already been filed before the learned Principal Assistant Sessions Court, Thanjavur and the case is pending for trial. Hence, he strongly opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the facts that the petitioners are in judicial custody from 12.09.2022 and the case is pending for trial, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, 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 petitioners shall report before the trial Court on all hearing dates at 10.30 a.m., without fail;

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

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/09/2022

/ TRUE COPY /

30/09/2022

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.

WEB COPY

TO

- 1 THE JUDGE,
PRINCIPAL ASSISTANT SESSIONS COURT,
THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.
- 3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.
- 5 THE INSPECTOR OF POLICE
THANJAVUR EAST POLICE STATION,
THANJAVUR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10826[I] dated 30/09/2022)

ORDER

IN

CRL OP(MD) No.17535 of 2022

Date :30/09/2022

SJI

MK/SBN/SAR.II/30.09.2022/3P/8C