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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

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

CRL OP(MD). No.18254 of 2022

Raman

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
Cr.No.309/2019.

... Respondent/Complainant

For Petitioner : M/s.Suresh M, 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/accused on bail in S.C No.290 of 2020 in connection with Crime No.309/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who is facing a case for the offence under Sections 120(B), 341, 149, 147, 148 and 302 of IPC in S.C No. 290 of 2020 on the file of the learned IV Additional District and Sessions Judge, Madurai, in Cr.No.309 of 2019 on the file of the respondent police, seeks bail.

2.During the course of trial in S.C No. 290 of 2020, the petitioner was absent before the learned IV Additional District and Sessions Judge, Madurai. Therefore, Non-Bailable Warrant came to be issued against him, on 06.03.2021 and the same was executed on 21.06.2022. From onwards, he is in custody.

3.The learned counsel appearing for the petitioner would submit that the petitioner met with an accident and getting treatment in the hospital for his injuries. Because of that, he was not able to appear before the learned IV Additional District and Sessions Judge, Madurai. Therefore, Non-Bailable Warrant was issued against him on



06.03.2021. He was arrested and remanded to judicial custody on 21.06.2022. Ever since, he is in custody. Hence, he prays for grant of bail to him.

4.The learned Government Advocate (Crl. side) would submit that the case is pending for trial. Due to the non-appearance of the petitioner, Non-Bailable Warrant was issued against him, on 06.03.2021. But, he was secured only on 21.06.2022. If he is released on bail, there is every likelihood of absconding. Hence, he strongly opposed to grant bail to him.

5.Considering the above facts and circumstances of the case and also the considering the fact that the petitioner is in judicial custody from 21.06.2022 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 IV Additional District Court, 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.1,000/- (Rupees One Thousand only) to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam**, 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/-

13/10/2022

/ TRUE COPY /

13/10/2022

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, 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.

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- TO
- 1 THE IV ADDITIONAL DISTRICT JUDGE, MADURAI.
 - 2 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
 - 3 THE INSPECTOR OF POLICE, NAGAMALAI PUDUKKOTTAI POLICE STATION, MADURAI DISTRICT.
 - 4 THE DISTRICT SIDDHA MEDICAL OFFICER, CCRI PKM, PERIYAKULAM, THENI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.SURESH, Advocate (SR-11337[I] dated 13/10/2022)

ORDER
IN
CRL OP(MD) No.18254 of 2022
Date :13/10/2022

DSS
RS/VR/SAR.(13.10.2022) 3P-7C