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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.18232 of 2022

Pasupathi,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
Crime No. 40/2017.

... Respondent/Complainant

For Petitioner : Mr.A.Vadivel, Advocate.

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

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

PRAYER :-

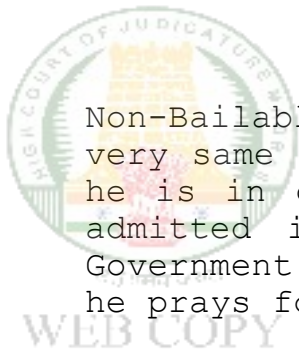
To enlarge the petitioner on bail in connection with the case in S.C No. 2 of 2018 on the file of the learned Principal Sessions Judge, Sivagangai in Crime No. 40/2017 on the file of the Respondent Police and pass orders.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is facing a case for the offence under Section 302 IPC in S.C.No.2 of 2018 on the file of the learned Principal Sessions Judge, Sivagangai, in crime No.40 of 2017 on the file of the respondent police, seeks bail.

2.During the course of trial in S.C.No.2 of 2018, the petitioner was absent before the learned Principal Sessions Judge, Sivagangai. Therefore, Non-Bailable Warrant came to be issued against him on 22.11.2021 and the same was executed on the same day itself. Ever since, he is in judicial custody.

3.The learned counsel appearing for the petitioner would submit that due to ill health of the petitioner, he was not able to appear before the learned Principal Sessions Judge, Sivagangai. Therefore,



Non-Bailable Warrant was issued against him on 22.11.2021. On the very same day, he was arrested and remanded to custody. Ever since, he is in custody. Now, the petitioner is not well. Hence, he was admitted in the Prison Hospital. Thereafter, he was shifted to Government Rajaji Hospital, Madurai, for further treatment. Hence, he prays for bail to the petitioner.

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 22.11.2021. Already two times Non-bailable Warrant was issued against him i.e on 11.04.2019 and 04.07.2019. At that time, he was absconding. This time only, he was arrested. 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 22.11.2021 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, Sivagangai.

(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 **Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai)**, 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 /

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

DSS

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 JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM..
- 4 THE INSPECTOR OF POLICE
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
MADURAI EAST, MADURAI.

+1 CC to M/s.A.VADIVEL, Advocate (SR-11298[I] dated 13/10/2022)

ORDER

IN

CRL OP(MD) No.18232 of 2022

Date :13/10/2022

PKP/GB/SAR-2/14.10.2022/3P/8C