



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/10/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.18361 of 2022

M.Mahendiran

... Petitioner/Accused No.11

Vs

The State rep.by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
Cr.No.1908/2020.
U/s.120(B),147,148,149,302,506(ii)of IPC

... Respondent/Complainant

For Petitioner : M/s.Suresh M., Advocate

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.1908/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 08.08.2022, in pursuant to NBW issued by the Additional District and Sessions Judge, Dindigul in S.C.No.125 of 2021, connected in Crime No.1908 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.10.2020, at about 08.15PM, all the accused persons assaulted the deceased, as a result, he sustained injuries and died. Hence, the complaint.

3.On the side of petitioner, it is stated that due to his absence, NBW has been issued against him by the trial Court on 15.11.2021 and he was remanded on 08.08.2022. Since he went to Kerala, he could not appear before the trial Court. Hence, prays for bail.

4.It is submitted by the prosecution that during the pendency of trial, the petitioner was not appeared and NBW was issued against him. The petitioner is arrayed as All. The case is pending for appearance of the petitioner. Hence, prays to dismiss the petition.



5.Considering the facts and circumstances of the offence, the fact that the trial was commenced before the Additional District and Sessions Judge, Dindigul in S.C.No.125 of 2021 and on execution of NBW, the petitioner was remanded on 08.08.2022 and also considering his period of incarceration, ie., more than 96 days, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit a sum of **Rs.1,000/- (Rupees One Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7.On production of such receipt/acknowledgment, 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 Additional District and Sessions Judge, Dindigul.

a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

b) the petitioner shall report before the trial Court on all hearings without fail;

c)the petitioner shall not tamper with evidence or witness;

d) the petitioner shall appear before the concerned Court on all hearing dates and appear before the respondent Police, as and when required;

e)On breach of any of the aforesaid conditions, the learned Judge/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 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/10/2022

/ TRUE COPY /

14/10/2022

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



TO

1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
DINDIGUL DISTRICT.

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.

COPY TO:

THE HEAD MISTRESS,
MDU EAST PU PRIMARY SCHOOL, Y.OTHAKADAI,
MADURAI.

ORDER

IN

CRL OP(MD) No.18361 of 2022

Date :14/10/2022

PNM

SA/VR/SAR. /14.10.2022/3P/6C