



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

Date : 17/10/2022

PRESENT

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

CRL OP(MD). No.18452 of 2022

Ganesan

... Petitioner/Accused No.8

Vs

The State Rep. By,
The Inspector of Police,
D2 Sellur Police Station,
Madurai City.
Cr.No.739/2009.

... Respondent/Complainant

For Petitioner : M/s.Sasikumar V,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

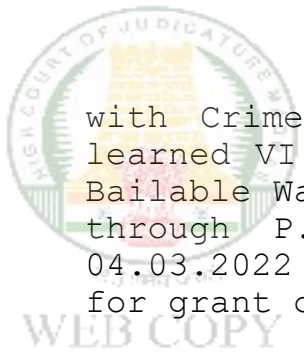
To enlarge the petitioner on bail in connection with the case in S.C No.494 of 2018 on the file of the learned VI Additional District Judge(FAC), Madurai in Crime No.739 of 2009 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A8, who is facing a case for the offence under Sections 147, 148, 307, 302 and 149 IPC in S.C.No.494 of 2018 on the file of the learned VI Additional District Judge(FAC), Madurai, in crime No.739 of 2009 on the file of the respondent police, seeks bail.

2.During the course of trial in S.C.No.494 of 2018, the petitioner was absent before the learned VI Additional District Judge(FAC), Madurai. Therefore, Non-Bailable Warrant came to be issued against him on 25.02.2022 and the same was executed on 04.03.2022. From onwards, he is in custody.

3.The learned counsel appearing for the petitioner would submit that since the petitioner was arrested on 03.03.2022 in connection



with Crime No.85 of 2022, he was not able to appear before the learned VI Additional District Judge(FAC), Madurai. Therefore, Non-Bailable Warrant was issued against him on 25.02.2022. On production through P.T warrant, he was remanded to judicial custody on 04.03.2022 insofar as the present case is concerned. 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 25.02.2022. The petitioner was in judicial custody in connection with Crime No.85 of 2022 and he was produced on P.T. Warrant before the learned VI Additional District Judge (FAC), Madurai and on that basis, he was remanded to judicial custody so far as the present case is concerned on 04.03.2022. 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 04.03.2022 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 learned VI Additional District Judge (FAC), Madurai.

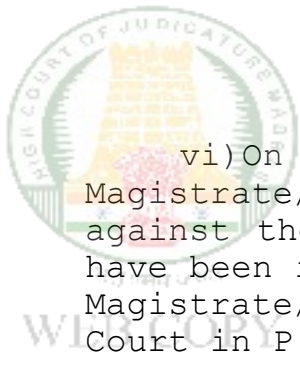
(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, 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/-
17/10/2022

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17/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE VI ADDITIONAL DISTRICT JUDGE (FAC),
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
D2 SELLUR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR, MADURAI.

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-11516[I] dated 17/10/2022)

ORDER
IN
CRL OP(MD) No.18452 of 2022
Date :17/10/2022

sjj
USK/SBN/SAR- /17.10.2022/3P/7C