



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.18447 of 2022

Ajith @ Kattai Ajith @ Ajithkumar ... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
Cr.No.2104/2016

... Respondent/Complainant

For Petitioner : M/s.Mahendrapathy S, Advocate.
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

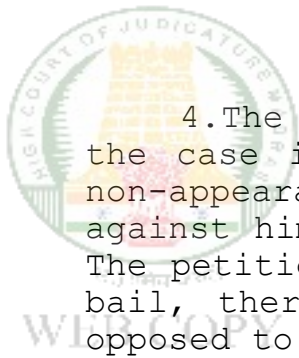
To enlarge the petitioner/Accused No.3 on bail in S.C No.18 of 2019, pending investigation on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who is facing a case for the offence under Sections 120(b), 147, 148, 341, 307, 302, 109 and 149 IPC in S.C No.18 of 2019 on the file of the learned IV Additional District and Sessions Judge, Madurai, in crime No.2104 of 2016 on the file of the respondent police, seeks bail.

2.During the course of trial in S.C.No.18 of 2019, 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 28.08.2019 and the same was executed on 15.03.2022. From onwards, 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 IV Additional District and Sessions Judge, Madurai. Therefore, Non-Bailable Warrant was issued against him on 28.08.2019. He was arrested and remanded to judicial custody on 15.03.2022. Hence, he prays for grant of bail to him.



4.The learned Government Advocate (Crl. side) would submit at the case is posted on 04.11.2022 for framing charges. Due to the non-appearance of the petitioner, Non-Bailable Warrant was issued against him, on 28.08.2019. But, he was secured only on 15.03.2022. The petitioner is having seven previous cases. 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 15.03.2022 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 IV Additional District and Sessions Judge, 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, 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/-

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 IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.

4 THE HEAD MISTRESS, PANCHAYAT UNION PRIMARY SCHOOL,
MADURAI EAST, OTHAKADAI, MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.S.MAHENDRAPATHY, Advocate SR.No.11589(I)

ORDER

IN

CRL OP(MD) No.18447 of 2022

Date :17/10/2022

SJI

RS/VR/SAR.(17.10.2022) 3P-7C