



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

Date : 19/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.18681 of 2022

Sathish

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
Maruvor Police Station,
Thanjavur District.
(Crime No.39/2016).

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja R, Advocate

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

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

PRAYER :-

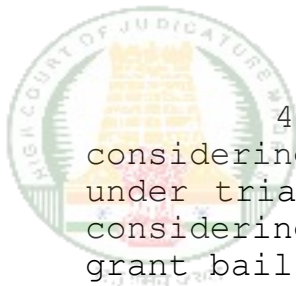
To Bail in Cr No.39/2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 09.08.2022, in pursuant to NBW issued by the II Additional District and Sessions Judge, Thanjavur in SC No.27 of 2017, connected in Crime No.39 of 2016, the alleged offence under Sections 342, 201, 302, 506(ii) IPC, on the file of the respondent police, seeks bail.

2.Today, when the matter was taken up for hearing, on the side of the petitioner, it is stated that due to absence of the petitioner, NBW was issued against him. The petitioner is in custody from the date of arrest, ie., 09.08.2022. Hence, prayed to release him on bail.

3.It is submitted by the prosecution that during the pendency of trial, the petitioner was absent and NBW was issued against him on 24.03.2022. This is the third time. The case is pending for appearance of the petitioner. If he released on bail, he would again abscond and case will be pending. Hence, prays to dismiss the petition.



4. Considering the facts and circumstances of the case, considering the fact that the case against the petitioner is pending under trial stage and he was remanded on execution of NBW and also considering his period of incarceration, this Court is inclined to grant bail to the petitioner.

WEB COPY

5. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate, Thiruvaiyaru.

a) 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;

b) the petitioner shall report before the trial Court on every 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 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]; and;

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

sd/-

19/10/2022

/ TRUE COPY /

19/10/2022

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

TO

1. THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.

2. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.

<https://www.mhjc.org/>



3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4. THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUCHIRAPPALLI.

5. THE INSPECTOR OF POLICE
MARUVOOR POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-11629[I] dated 19/10/2022)

ORDER
IN
CRL OP(MD) No.18681 of 2022
Date :19/10/2022

PNM
USK/SBN/SAR- /19.10.2022/3P/8C