



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

Date : 19/10/2022

PRESENT

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

CRL OP(MD) . No.18715 of 2022

WEB COPY

V.Palanisamy

... Petitioner/ Sole Accused

Vs

State.Rep.by

The Inspector of Police,
Ponnamaravathy Police Station,
(Crime No.229/2016).

... Respondent/Complainant

For Petitioner : M/s.Balakrishnan R,

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

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

PRAYER :-

C-8 B.For Bail in Cr No.229/2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 22.06.2022, in pursuant to NBW issued by the District Munsif cum Judicial Magistrate, Thirumayam in PRC No.5 of 2017, connected in Crime No.229 of 2016, the alleged offence under Section 307 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., 22.06.2022. 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 15.10.2022. After a lapse of four years, the petitioner was arrested only on 22.06.2022. Now the case against the petitioner was committed to Chief Judicial Magistrate, Pudukottai and numbered as S.C.No.73 of 2022. The case is pending for the appearance of 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 offence, 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 with certain conditions.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five 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.

6. 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 Chief Judicial Magistrate, Pudukottai.

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

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19/10/2022

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

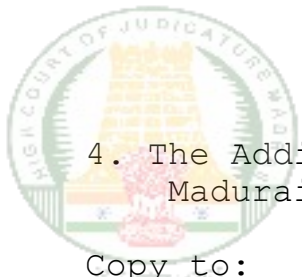
TO

1. The Chief Judicial Magistrate, Pudukottai

2. The Superintendent, Sub Jail, Pudukottai.

3. The Inspector of Police,
Ponnamaravathy Police Station.

<https://www.mhc.tn.gov.in/judis>



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

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-11612[I] dated 19/10/2022
ORDER
IN
CRL OP(MD) No.18715 of 2022
Date :19/10/2022

AMS(19.10.2022) 3P 7C