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CRL OP(MD). N



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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.18727 of 2022

Alagupandi

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
Crime No.71 of 2021.

... Respondent/Complainant

For Petitioner : M/s.R.Karunanidhi, Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

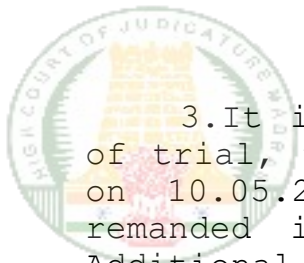
PRAYER :-

For Bail in Crime No.71 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was produced on PT Warrant and remanded on 05.07.2022, in pursuant to NBW issued by the Judicial Magistrate, Vadipatti in PRC No.34 of 2021, connected in Crime No.71 of 2021, the alleged offence under Sections 397, 341, 342, 34, 394, 302 IPC and 83(2) Juvenile Justice (Care and Protection of Children) Act, 2015, 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 was produced on PT warrant and remanded in this case. He is in custody from the date of arrest, ie.,05.07.2022. Now, the case against the petitioner was committed to IV Additional District Court (FAC), Madurai. 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 10.05.2022. The petitioner was produced on PT warrant and remanded in this case. The case is pending before the IV Additional District Court (FAC), Madurai in S.C.No.219 of 2022, 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 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.

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, Vadipattai, Madurai District.

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 JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE, ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.18727 of 2022

Date :19/10/2022

PNM

RS/SBN/SAR.(19.10.2022) 3P-6C