



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

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

CRL OP(MD). No.18899 of 2022

Anbu Ganesh

... Petitioner/Accused No.9

Vs

The State rep.by,
The Inspector of Police,
Sankarankovil Police Station,
Tirunelveli District.
Crime No.366 of 2016.

... Respondent/Complainant

For Petitioner : M/s.Muneeswaran B,
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.366 of 2016 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on 25.05.2022 for the offences punishable under Sections 148, 149, 294(b), 506(ii), 302 and 120(B) IPC, in Crime No.366 of 2016 on the file of the respondent police, seeks bail.

2.During the course of trial in S.C.No.309 of 2022, the petitioner was absent before the learned III Additional Sessions Judge, Tirunelveli. Therefore, Non-Bailable Warrant came to be issued against him and the same was executed on 25.05.2022. From onwards, he is in judicial custody.

3.The learned counsel appearing for the petitioner would submit that since the petitioner was remanded in another case, he was not able to appear before the learned III Additional Sessions Judge,

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



Tirunelveli. Therefore, Non-Bailable Warrant was issued against the petitioner. On production through P.T warrant, he was remanded to judicial custody on 25.05.2022 insofar as the present case is concerned. Hence, he prays for grant of bail to him.

4. The learned Additional Public Prosecutor would submit that the case is pending for trial. Due to the non-appearance of the petitioner, Non-Bailable Warrant was issued against him. The petitioner was in judicial custody in another case and he was produced on P.T. Warrant before the learned III Additional Sessions Judge, Tirunelveli and on that basis, he was remanded to judicial custody so far as the present case is concerned on 25.05.2022. 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 considering the fact that the petitioner is in judicial custody from 25.05.2022 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, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 III Additional Sessions Judge, Tirunelveli.

(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.15,000/- (Rupees Fifteen Thousand only) to the credit of Cancer Institute, Government Rajaji Hospital, Madurai (Indian Bank, Tallakulam (233) Branch, CIF No:30418657357, IFSC Code: IDIB000T003, MICR Code: 625019008, A/c No:7097546149)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii) the petitioner shall report before the trial Court on all hearing dates without fail;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial.

v) 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 c is
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].

WEB COPY

sd/-
20/10/2022

/ TRUE COPY /

20/10/2022

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

TO

- 1 THE III ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SANKARANKOVIL POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
CANCER INSTITUTE,
GOVERNMENT RAJAJI HOSPITAL, MADURAI

+1 CC to M/s.B.MUNEESWARAN, Advocate (SR-11730[I] dated
20/10/2022)

ORDER
IN
CRL OP(MD) No.18899 of 2022
Date :20/10/2022

SJI
MK/VR/SAR. /20.10.2022/3P/7C