



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.19586 of 2022

Manikandan

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(In Crime No.208 of 2014).

... Respondent/Complainant

For Petitioner : M/s.Vikram S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

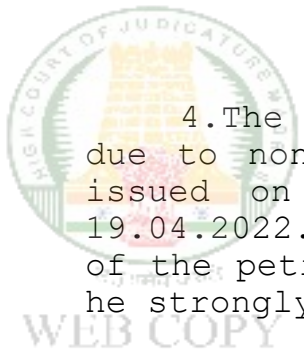
PRAYER :- To enlarge the petitioner on bail in connection with the case in Crime No.208 of 2014 on the file of the respondent police with regard to the case in P.R.C.No.2 of 2017 on the file of the learned Judicial Magistrate Court No.II, Ramanathapuram.

ORDER : The Court made the following order :-

The petitioner/A3, who is facing a case for the offence under Sections 341 and 302 IPC r/w 34 and 212 IPC in P.R.C.No.2 of 2017 on the file of the learned Judicial Magistrate Court No.II, Ramanathapuram in crime No.208 of 2014 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in P.R.C.No.2 of 2017 before the learned Judicial Magistrate Court No.II, Ramanathapuram. Therefore, Non-Bailable Warrant came to be issued on 19.03.2019 and the petitioner was arrested and remanded on 19.04.2022 and he is still in judicial custody.

3.The learned counsel appearing for the petitioner would submit that due to non-appearance of the petitioner before the learned Judicial Magistrate Court No.II, Ramanathapuram in P.R.C.No.2 of 2017, Non-Bailable Warrant was issued against him on 19.03.2019 and the petitioner was arrested and remanded in judicial custody on 19.04.2022. Hence, he prays for bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that due to non-appearance of the petitioner, Non-Bailable Warrant was issued on 19.03.2019 and the petitioner was arrested only on 19.04.2022. He would further submit that because of non-appearance of the petitioner, the case is pending without any progress. Hence, he strongly opposed to grant bail.

5.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 19.04.2022 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 Judicial Magistrate No.II, Ramanathapuram.

(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.1,000/- (Rupees One Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040)**, 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 Committal 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/-

07/11/2022

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07/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.VIKRAM S Advocate SR.No.12494

ORDER

IN

CRL OP(MD) No.19586 of 2022

Date :07/11/2022

SJI

SA/VR/SAR. /07.11.2022/3P/8C