



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

Date : 09/11/2022

PRESENT

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

CRL OP(MD). No.19830 of 2022

M.Sathakkadulla,

... Petitioner/Accused No.3

Vs

State Rep.by
The Sub Inspector of Police,
Kottampatti Police Station,
Melur Taluk,
Madurai.
(Crime No.12/1994).

... Respondent/Complainant

For Petitioner : M/s.Aysha Begum S,Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr No.12/1994 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 324, 341 and 307 of IPC, in Cr.No.12 of 1944, seeks anticipatory 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. Now, the case against the petitioner was committed to Assistant Sessions Judge, Melur. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

3.It is submitted by the prosecution that during the pendency of trial, the petitioner was absent and NBW was issued against him
<https://www.mh2t.go.in/judis> 2022 and the same is pending. The case is pending before



the Assistant Sessions Judge, Melur, for appearance of the petitioner. If this petition is allowed, he would again abscond and the case will be pending. Hence, prays to dismiss the petition.

4. Considering the facts and circumstances of the case and considering the fact that the case against the petitioner is pending under trial stage, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Assistant Sessions Judge, Melur, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the concerned Court on each and every hearing dates without fail.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(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/-

09/11/2022

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



TO

1 THE ASSISTANT SESSIONS JUDGE,
MELUR.

2 THE SUB INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MELUR TALUK, MADURAI.

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

+1 CC to M/s.S.AYSHA BEGUM, Advocate (SR-12734[I] dated 09/11/2022)

ORDER

IN

CRL OP(MD) No.19830 of 2022

Date :09/11/2022

tta

PKP/BUC/SAR-4/17.11.2022/3P/5C