



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20227 of 2022

WEB COPY

Natachi Latha

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Musiri Police Station,
Trichy District.

... Respondent/Complainant

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

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

PRAYER :-

To enlarge the petitioner on bail in C.C.No.118 of 2019 on the file of the Judicial Magistrate Court, Musiri.

ORDER : The Court made the following order :-

The petitioner/A2, who is facing a case for the offence under Sections 454 and 380 IPC in C.C No.118 of 2019 on the file of the learned Judicial Magistrate Court, Musiri, in crime No.156 of 2018 on the file of the respondent police, seeks bail.

2.During the course of trial in C.C No.118 of 2019, the petitioner was absent before the learned Judicial Magistrate Court, Musiri. Therefore, Non-Bailable Warrant came to be issued against her on 14.10.2019 and the same was executed on 27.12.2021. From onwards, she is in judicial custody.

3.The learned counsel appearing for the petitioner would submit that due to ill health of the petitioner, she was not able to appear before the learned Judicial Magistrate Court, Musiri. Therefore, Non-Bailable Warrant was issued against her on 14.10.2019. She was arrested and remanded to judicial custody on 27.12.2021. Hence, he prays for grant of bail to her.

4.The learned Additional Public Prosecutor would submit that due to non-appearance of the petitioner, Non-Bailable Warrant was issued on 14.10.2019 and the petitioner was arrested only on 27.12.2021. The petitioner is having eight previous cases. If the petitioner is released on bail, there is every likelihood of absconding. Hence, he strongly opposed to grant bail to her.



5. Considering the above facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 27.12.2021 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 her 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, Musiri.

(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 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 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/-

15/11/2022

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15/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUSIRI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE OFFICER INCHARGE, WOMEN SPECIAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE, MUSIRI POLICE STATION, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-13075[I] dated 15/11/2022)

ORDER IN
CRL OP(MD) No.20227 of 2022
Date :15/11/2022

SJI

RS/VR/SAR.4(15.11.2022) 2P-7C