



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.20730 of 2022

A.Pakkurudheen

... Petitioner/Accused No.1

Vs

The State rep.by
The Sub Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
(Crime No.46 of 2015)

... Respondent/Complainant

For Petitioner : M/s.Alagesh Kumar V,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

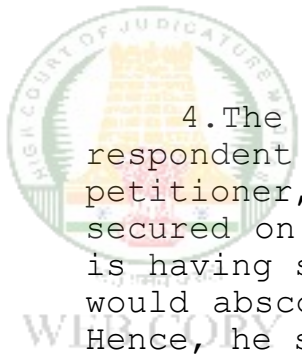
PRAYER :- For Bail in Crime No.46 of 2015 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who is facing a case for the offence under Section 392 of IPC in C.C.No.80 of 2016 on the file of the learned Judicial Magistrate, Thiruppathur, in Crime No.46 of 2015 on the file of the respondent police, seeks bail.

2.During the course of trial in C.C.No.80 of 2016, the petitioner was absent before the learned Judicial Magistrate, Thiruppathur. Therefore, Non-Bailable Warrant came to be issued against him and the same was executed on 22.08.2022. From onwards, he is in judicial custody.

3.The learned counsel appearing for the petitioner would submit that due to ill-health of the petitioner, he could not appear before the learned Judicial Magistrate, Thiruppathur, for hearing. Therefore, Non-Bailable Warrant was issued against him. Thereafter, he was arrested and remanded in judicial custody on 22.08.2022. Hence, he prays for bail to the petitioner.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that due to non-appearance of the petitioner, Non-Bailable Warrant was issued against him and he was secured on 22.08.2022. He would further submit that the petitioner is having seventeen previous cases and if he is released on bail, he would abscond and also he would indulge in similar kind of offence. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 22.08.2022 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 District Munsif Cum Judicial Magistrate, Thiruppathur.

(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.3,000/- (Rupees Three Thousand only) to the credit of Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai)**, 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 trial 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/-

23/11/2022

/ TRUE COPY /

23/11/2022

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



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE SUB INSPECTOR OF POLICE,
NACHIYAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

COPY TO:

THE HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
MADURAI EAST, MADURAI.

+1. CC to M/S.ALAGESH KUMAR V Advocate SR.No.13476

ORDER

IN

CRL OP(MD) No.20730 of 2022
Date :23/11/2022

cp
SA/VR/SAR. /23.11.2022/3P/8C