



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21039 of 2022

Balakrishnan

... Petitioner/ Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
Crime No.531 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Arun Prasad A,
Advocate.

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

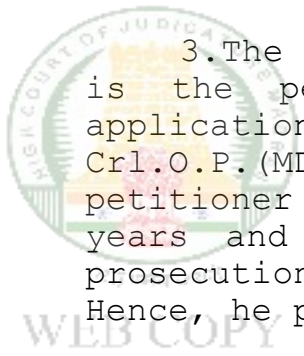
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.531 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 16.10.2022 for the offences punishable under Sections 201, 204, 217, 218, 219, 381 and 409 IPC, in crime No.531 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the Head Clerk of Judicial Magistrate No.I, Kumbakonam, lodged a complaint alleging that while the petitioner was working as Junior Assistant in II ADM cum Judicial Magistrate No.I, Kumbakonam, on 19.11.2009, a case registered for the offence under Section 302 IPC in Crime No.257 of 2009 of Thiruvudaimaruthur Police Station was taken on file as P.R.C.No.27 of 2009 and on the date of filing onwards, that case was not posted and it was missing and there was no entry in the diary and hearing book in respect of the said case and during that period, the petitioner was in-charge of the post of Bench Clerk and in such a circumstance, in the P.R.C. Register, the petitioner had wrongly made an endorsement that the case was committed to Sessions Court without sending the case bundle. Hence, the case.



3.The learned counsel for the petitioner would submit that this is the petitioner's second bail application and the earlier application was dismissed by this Court, dated 09.11.2022 in CrI.O.P.(MD)No.19816 of 2022. He would further submit that the petitioner is innocent and he was retired from the job before two years and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 16.10.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that this is the petitioner's second bail application and the earlier application was dismissed by this Court, dated 09.11.2022. He would further submit that major part of the investigation is almost over. If the petitioner is released on bail, there is every likelihood of absconding. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that major part of the investigation is almost over, this Court is inclined to grant bail to the petitioner on certain 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 Judicial Magistrate No.I, Kumbakonam, and on further conditions that:

(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 respondent police daily at 10.30 a.m., until further orders;

(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].

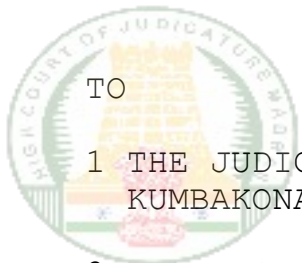
sd/-

29/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP (MD) No.21039 of 2022
Date :29/11/2022

SJI
MK/VR/29.11.2022/3P/6C