



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.20935 of 2022

M.Shamutirapandi

... Petitioner/Accused No.5

Vs

The State rep.by
The Inspector of Police,
Batalagundu Police Station,
(Crime No.330/2013).

... Respondent/Complainant

For Petitioner : M/s.Manimaran Na,
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 Cr No.330/2013 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who is facing a case for the offence under Section 399 of IPC in S.C.No.277 of 2018 on the file of the learned Additional District and Sessions Judge, in crime No.330 of 2013 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.09.2013, at about 06.00 a.m, the respondent police conducted raid at Batalagundu to Kanavapatti near Gas Company. At that time, they found that the petitioner and other accused sneaked up in that place with an intention to commit robbery. On seeing the police party, they have tried to escape from the place of occurrence. But, the respondent police caught them and seized knives and sword from the accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that after completion of investigation, charge sheet was filed before the learned Additional District and Sessions Judge, and the same was taken on file in S.C.No.277 of 2018. The petitioner had regularly



appeared before the concern Court. But, on 22.01.2020, be of funeral function of his close relative, he was not in a position to appear before the Court. Hence, NBW was issued against the petitioner and it was executed on 23.09.2022. Ever since, he is in prison. Hence, he prays for grant of bail to the petitioner.

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4.The learned Additional Public Prosecutor strongly opposed this petition stating that if the petitioner is released on bail, there is every likelihood of absconding and delay in completing the sessions case. He would further submit that the investigation has been completed and the charge sheet has already been filed before the learned Additional District and Sessions Judge, and the same was taken on file in S.C.No.277 of 2018.

5.Considering the period of incarceration and also considering the fact that the case was taken on file as S.C.No.277 of 2018 before the learned Additional District and Sessions Judge, this Court is inclined to grant bail to the petitioner.

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 Additional District and Sessions Judge, Dindigul.

(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 concerned 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/-
25/11/2022

/ TRUE COPY /

25/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
DINDIGUL.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.

3 THE INSPECTOR OF POLICE,
BATALAGUNDU POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.20935 of 2022

Date :25/11/2022

DSS

SA/VR/SAR. /25.11.2022/3P/5C