



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.21025 of 2022

Jeya @ Jeyaraj

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar.
(Crime No.674/2007)

... Respondent/Complainant

For Petitioner : M/s.Jameelarasu B,
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.674/2007 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who is facing a case for the offence under Sections 397 and 395 of IPC in P.R.C.No.9 of 2013 on the file of the learned **(*) Judicial Magistrate No.II, Virudhunagar**, in Crime No.674 of 2007 on the file of the respondent police, seeks bail.

2.During the course of trial in P.R.C.No.9 of 2013, the petitioner was absent before the learned **(*) Judicial Magistrate No.II, Virudhunagar**, Therefore, Non-Bailable Warrant came to be issued against him on 23.01.2020 and the same was executed on 17.10.2022. 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 No.II, Virudhunagar**, for hearing. Therefore, Non-Bailable Warrant was issued against him on 23.01.2020. Thereafter, he was arrested and remanded in judicial custody on 17.10.2022 and he is still in judicial custody. 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 17.10.2022. He would further submit that if the petitioner is released on bail, he would abscond and also it would affect the further progress in the case. Hence 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 17.10.2022 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 **(*) Judicial Magistrate No.II, Virudhunagar.**

(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 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/-
28/11/2022

(*) AMENDED as per order of this Court dated 06/12/2022 in CRL MP (MD)No.15188/2022 in CRL OP(MD) No.21025/2022.

/ TRUE COPY /

08/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO BE SUBSTITUTED WITH THE ORDER DATED 28/11/2022 ALREADY DESPATCHED.

WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.
- 2 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
- 3 DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 4 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.
- 5 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 C.C. TO M/S.B.JAMEEL ARASU, ADVOCATE, S.R.NO.14389 (I), DATE :
06.12.2022.

ORDER

IN

CRL OP(MD) No.21025 of 2022
Date :28/11/2022

CP
SA/VR/SAR. /28.11.2022/3P/6C
trp
USK/SSS/SAR-II/08.12.2022/3P/8C