



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/12/2022

PRESENT

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

CRL OP(MD). No.21286 of 2022

WEB COPY

Nagendran

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thanjavur TMCH Police Station,
Thanjavur District.
Crime No.216 of 2001.

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K.M.,
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.216 of 2001 on the file of the Respondent Police.

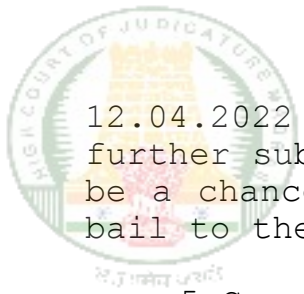
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 12.04.2022 for the offences punishable under Sections 364, 392, 404, 302 r/w Section 34 IPC in crime No.216 of 2001 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused have hired a TATA sumo vehicle along with driver viz., Sownthrakumar and then, they murdered the driver of the vehicle and committed theft of the vehicle. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the charge sheet was laid in the said Crime Number before the Judicial Magistrate No.II, Thanjavur and the same was taken on file in PRC.No.20/2018. Further, the case was committed against A3 and A4 before the Principal District and Sessions Judge, Thanjavur. He would further submit that NBW issued against he petitioner on 29.07.2018 and that he was arrested and remanded to judicial custody and he is in judicial custody from 12.04.2022. Hence, seeks bail.

4.The learned Additional Public Prosecutor would submit that Non bailable warrant issued against the petitioner on 29.07.2018 and that he was arrested and remanded to judicial custody on



12.04.2022 and he is absconding for the past four years. Id further submit that if the petitioner is released on bail there will be a chance for absconding and hence, he strongly opposed to grant bail to the petitioner.

5. Considering the submissions made by the learned counsel appearing on either side and also considering the period of incarceration, 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 Principal Sessions Judge, Thanjavur and on further condition that;

(i) the petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Headmistress, Government High School, Sathiyamoorthy Nagar, Madurai **(Account No:-30641540761, IFSC Code:- SBIN0016503, State Bank of India, Samyanallur, Madurai)** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii) 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;

(iii) the petitioner shall appear before the concerned Court on each and every hearing date 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/12/2022

/ TRUE COPY /

01/12/2022

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



TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
THANJAVUR.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE,
THANJAVUR TMCH POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHIYAMOORTHY NAGAR,
MADURAI.

+1. CC to M/S.KARUNAKARAN K.M. Advocate SR.No.14091

ORDER

IN

CRL OP(MD) No.21286 of 2022
Date :01/12/2022

TRP
SA/VR/SAR.3/01.12.2022/3P/7C