



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22529 of 2022

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... Petitioner/Accused No.6

Vs

The State Rep. By,
The Inspector of Police,
Thiruneelakudi Police Station,
Thanajvur District.
Crime No.58 of 2017.

... Respondent/Complainant

For Petitioner : M/s.Karunanithi M,
Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.58 of 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was remanded on 01.08.2022, in pursuant to NBW issued by the Judicial Magistrate, Thiruvidaimaruthur in PRC No.60 of 2019, connected in Crime No.58 of 2017, the alleged offence under Sections 392, 397 IPC, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.03.2017, the accused persons came in TATA sumo vehicle and robbed Rs.200/- from the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is arrayed as A6 in PRC No.60 of 2019, on the file of Judicial Magistrate, Thiruvidaimaruthur. The petitioner was arrested on 05.08.2017 and granted bail, after taking cognizance of the case, the petitioner has regularly appearing before the trial Court and due to covid-19 infection, he could not appear before the



trial Court and for which, NBW was issued by the learned Magistrate. The petitioner has not absconded and he was secured only from his residence. The petitioner is in judicial custody from 01.08.2022. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner did not appear before the trial Court on 04.12.2019, thereby, NBW was issued against him. The case is pending for committal and due to absence of the petitioner, the trial Court could not commit the matter to the Court of Sessions. Hence, he strongly opposed to grant bail to the petitioner.

5. In response, the learned counsel for the petitioner submitted that he would undertake to appear before the committal Court on all hearings and ready to abide any condition, imposed by this Court.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with **two blood sureties** each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thiruvidadaimaruthur**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the concerned Court on all working days, for a period of two weeks and thereafter, on the dates fixed by the concerned Magistrate;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;



(h) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-
20/12/2022

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/ TRUE COPY /

20/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONM.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THIRUNEELAKUDI POLICE STATION,
THANAJVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KARUNANITHI M, Advocate (SR-15158[I] dated
20/12/2022)

ORDER
IN
CRL OP(MD) No.22529 of 2022
Date :20/12/2022

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USK/SSS/SAR- /20.12.2022/3P/7C