



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2022

PRESENT

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

Pandi CRL OP(MD). No.22809 of 2022
... Petitioner/Accused

Vs

The State Rep.by
The Inspector of Police,
Rajathani Police Station,
Theni District
(Crime No.100 of 2020). ... Respondent/Complainant

For Petitioner : M/s. Pounraj.M,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

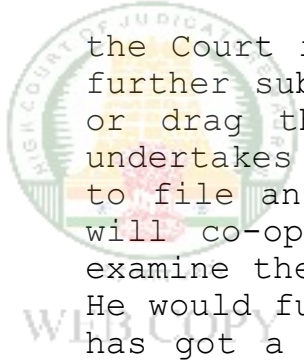
PRAYER :-

For Bail in Crime No.100 of 2020 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 pursuant to Non-bailable Warrant, dated 04.11.2022 issued by the learned Principal Sessions Judge, Theni in S.C.No.40 of 2021 for the offence under Section 302 IPC and hence, the present application has been filed.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the sole accused facing trial in S.C.No.40 of 2021 on the file of the learned Principal Sessions Judge, Theni. He would further submit that the case was posted on 11.10.2022 for examination of P.W.1 to P.W.3. The prosecution has examined P.W.1 and P.W.2 and the case was passed over for cross examination of the witnesses in the afternoon. The petitioner along with his Advocate had gone out for lunch, during such time, they met with an accident and thereby, they were unable to return back the Court and in the meanwhile, the learned Principal Sessions Judge, Theni, issued Non-Bailable Warrant. Fearing that the petitioner would be remanded to custody, the petitioner did not appear before



the Court in the meanwhile, he was arrested on 04.11.2022. He would further submit that the intention of the petitioner is not to delay or drag the trial. He would further submit that the petitioner undertakes to abide by any stringent conditions and he is also ready to file an affidavit of undertaking before the trial court that he will co-operate with the speedy disposal of the trial and cross examine the witnesses on the same day of their examination in chief. He would further submit that the petitioner has no other case and he has got a permanent residence and he is ready to furnish adequate sureties for his release on bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that when the case was posted for cross examination, the petitioner along with his Advocate failed to appear before the Court and thereby, warrant was issued and he would oppose for grant of bail.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties (of which, one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Aundipatti, Theni District, 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) after release on bail, the petitioner shall within a week file an affidavit of undertaking that he will co-operate with the trial and cross examine the witnesses on the same day of their examination in chief;

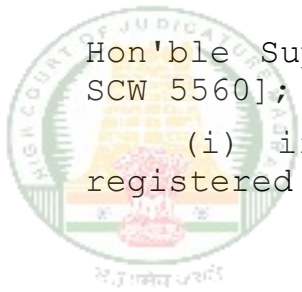
(d) the petitioner shall report before the trial Court on all working days at 10.30 a.m., without fail;

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

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

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

(h) 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** [SCW 5560];



(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/12/2022

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

TO

1. The Principal Sessions Judge, Theni.
 2. The Judicial Magistrate,
Aundipatti, Theni District.
 3. Do Through
The Chief Judicial Magistrate, Theni District.
 4. The Officer in Charge, District Jail, Theni.
 5. The Inspector of Police,
Rajathani Police Station,
Theni District.
 6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S. POUNRAJ.M Advocate SR.No.15318

ORDER
IN
CRL OP(MD) No.22809 of 2022
Date :22/12/2022

MGJ/VR/SAR 1(22.12.2022) 3P 8C