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CrI.O.P.No.24979 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.24979 of 2023

Manickaraj S/o. Chandran

... Petitioner/Accused-1

Vs.

State by
The Inspector of Police,
Madukkarai Police Station,
Coimbatore.

(Crime No.159 of 2018)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in C.C.No.75 of 2019
on the file of the District Munsif cum Judicial Magistrate, Madukkarai.

For Petitioner : Mr.D.Prabhu

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI. Side)



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ORDER

The petitioner/A1 seeks bail in C.C.No.75 of 2019 wherein trial is now pending before the District Munsif cum Judicial Magistrate at Madukkarai. It is stated that the charges, which had been framed are under Sections 457 & 380 of IPC.

2.It is stated that A2 had been granted bail and A3 had died.

3.In so far as this petitioner is concerned, since he did not appear before the Court, a Non-bailable warrant had been issued and the petitioner is still in custody.

4.Taking into consideration the fact the trial is in progress, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Madukkarai, and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. It is stated that the petitioner should be produced only because he had also filed in this Court Crl.O.P.No.24947 of 2023 in C.C.No.29 of 2021 pending again before the very same Court/District Munsif cum Judicial Magistrate, Madukkarai, wherein he is A1 and orders have been passed today, rejecting the bail in that particular case. Notices may again



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be issued to the same sureties, who had executed earlier. If they are willing, they may execute fresh bond, otherwise, the petitioner should produce fresh sureties.

07.11.2023
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To

1. The District Munsif cum Judicial Magistrate, Madukkarai.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Madukkarai Police Station,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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