



WEB COPY



Crl.O.P.No. 28997 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.28997 of 2023

Durai @ Duraisamy

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Belukurichi Police Station,
Namakkal District,
Crime No.3 of 2019

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.3 of 2019
pending on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody, pursuant to the non-bailable warrant of arrest issued against him in C.C.No.79 of 2022, pending on the file of the learned Judicial Magistrate, Sendamangalam, Namakkal District seeks bail.



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Sendamangalam, Namakkal District has failed to appear before the trial Court on 20.09.2021, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 29.03.2023. She further submitted that this is the fifth Non-Bailable Warrant issued against the petitioner. Hence, she vehemently opposed to grant bail to the petitioner.

5. Heard both side and perused the materials available on record.

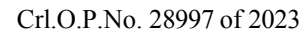
6. Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and he was arrested in connected with crime No.374 of 20002, subsequently he was detained under Act 14 of 1982, he was unable to appear before the trial Court on 20.09.2021, I am 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Sendamangalam and on further conditions that:

[b] the petitioner shall report before the Judicial Magistrate, Sendamangalam, Namakkal District, daily at 10.30 a.m., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

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



[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

28.12.2023

smn/shl

To

1. The Judicial Magistrate, Sendamangalam
2. The Inspector of Police,
Belukurichi Police Station,
Namakkal District,
3. The Central prison, Madurai
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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