



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.204 of 2023

Balamurugan ... Petitioner/Accused No.7
Vs

The State rep.by
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District
(Crime No.62 of 2018). ... Respondent/Complainant

For Petitioner : M/s.Kishore Kumar V,
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.62 of 2018 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner /A7 who was arrested and remanded to judicial custody on 14.12.2022 for the offences punishable under Sections 147,148,341,324,353,332 of IPC and Section 3(1) of TNPPDL Act in Crime No.62 of 2018 on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner was initially arrested in Crime No.62 of 2018 and later he was enlarged on bail and after completion of investigation the case was taken on file by the learned Judicial Magistrate, Adhiramapattinam in PRC No.1 of 2019 on 04.01.2019 and thereafter the petitioner has been regularly appearing before the Court and later the case was committed to the Court of the learned III Additional District Judge, Pattukottai and taken on file in S.C. No.184 of 2019. He would further submit that there are totally 12 accused in this case and since the other accused did not appear before the Court the case was formally adjourned for several



hearings. Later the petitioner had gone to Kerala for employment and during Covid -19 lock down the petitioner was held up there and he was unable to come back to Tamil Nadu. Hence on 04.02.2020 the trial Court had issued Non Bailable Warrant of arrest and later the petitioner voluntarily surrendered before the Court on 14.12.2022 and the petitioner is in custody from 14.12.2022. He would further submit that the petitioner has got permanent residence and the relatives of the petitioner are ready to stand as surety, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally 12 accused in this case and the petitioner and the other accused are repeatedly taking turns and not appearing before the court thereby the trial court is unable to proceed further with the trial. Hence he opposed to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

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 blood related sureties each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, Pattukottai, and on further conditions that:

[b] 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.

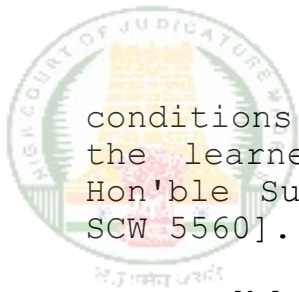
[c] the petitioner shall report before the learned III Additional District and Sessions Judge, Pattukottai on all working days at 10.30 A.M., until further orders.

[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 or 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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06/01/2023

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

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TO

1.THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, PATTUKOTTAI.

2 THE OFFICER IN CHARGE,
SUB JAIL, THANJAVUR.

3 THE INSPECTOR OF POLICE,
ADIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KISHORE KUMAR V, Advocate (SR-255[I] dated
06/01/2023)

ORDER

IN

CRL OP(MD) No.204 of 2023

Date :06/01/2023

RK/SSS/SAR- (06/01/2023) 3P/6C