



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2023

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PRESENT

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

CRL OP(MD). No.1491 of 2023

Sutha ... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram, Tirunelveli District.
Crime No. 29/2022.

... Respondent/Complainant

For Petitioner : M/s.Vignesh.N,
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. 29 of 2022 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 on 02.01.2023 pursuant to the execution of Non Bailable Warrant in Crime No.29 of 2022 for the offences under sections 302,201 of IPC seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner as a sole accused in Crime No.29 of 2022 for the offences under Sections 302,201 of IPC is facing trial in S.C. No.587 of 2022 on the file of the learned III Additional Sessions Judge, Tirunelveli. He would further submit that the petitioner was regularly appearing before the Court and since the petitioner fell ill she was unable to appear before the



Court, hence the Non Bailable Warrant of arrest came to be issued and the petitioner was arrested and remanded to judicial custody on 02.01.2023. He would further submit that the case has now been committed and pending trial in S.C. No. 5 of 2023 on the file of the learned III Additional Sessions Judge, Tirunelveli.

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3. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner did not appear before the Court on 18.11.2022 and she is absconding and later Non Bailable Warrant was executed on 02.01.2023. He would further submit that if the petitioner is released on bail, she would abscond again, thereby he opposed for grant of bail.

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

5. 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram 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 Sessions Judge, Tirunelveli on all working days at 10.30 am., for a period of two weeks and thereafter on the date fixed by the learned Sessions Judge.

[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 [SCW 5560]. [R

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

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sd/-
25/01/2023

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25/01/2023

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

AAV

TO

1. THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
 3. THE III ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
 4. THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN
KOKIRAKULAM, TIRUNELVELI DISTRICT
 5. THE INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.N.VIGNESH, Advocate (SR-1137[I] dated 25/01/2023)

ORDER
IN
CRL OP(MD) No.1491 of 2023
Date :25/01/2023

RD/SSS/SAR (25/01/2023) 3P 8C