



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.2366 of 2023

WEB COPY

Prakash

...Petitioner/Accused No.3

-vs-

The State represented by
The Inspector of Police,
Vikramangalam Police Station,
Madurai District.
(in Cr.No.135 of 2019)

...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.135 of 2019 on the file of the Respondent Police.

For Petitioner : Mr.P.Balan, Advocate

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 12.01.2023 for the offences punishable under Sections 147, 148, 120-B, 307, 302, 201, 342, 149 and 352 of IPC in Crime No.135 of 2019 on the file of the respondent police, seeks bail.

2.The learned Counsel for the petitioner would submit that the petitioner, who is Accused No.3, is facing trial in S.C.No.248 of 2021 for offences punishable under Sections 147, 148, 120-B, 307, 302, 201, 342, 149 and 352 of IPC. He would submit that the petitioner, due to his illness, is unable to appear before the Trial Court on 12.10.2022 and thereby, the trial Court had issued Non Bailable Warrant of arrest against the petitioner, pursuant to which, he was arrested on 12.01.2023. He would also submit that failure to appear before Court on the particular date is neither wilful nor wanton. He would also submit that the petitioner is in custody from 12.01.2023. He would also submit that the petitioner has also filed an affidavit of undertaking before this Court that he will appear before the Trial Court on all hearing dates without fail till the framing of charges, thereby, he would seek bail.

3.The learned Additional Public Prosecutor would submit that the petitioner is the Accused No.3. There are totally six accused



in this case and they are in the habit of absconding and delaying the process of framing charges. He would also submit that after the arrest of the petitioner, Accused Nos.4, 5 and 6 are also absconded and Accused Nos.4 and 5 have surrendered and NBW was recalled and Accused No.6 is still absconding. He would also submit that if the petitioner is granted bail, there is every possibility of him absconding again and thereby, delaying the process of trial. Hence, he object for grant of bail.

4.Heard. Perused the materials available on record.

5.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 12.01.2023 and also considering the affidavit of undertaking filed by the petitioner that he will appear before the trial Court on all hearing dates, 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 sureties each for a like sum to the satisfaction of the learned VI Additional District and Sessions Judge, Madurai, 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) the petitioner shall appear before the trial Court on all hearing dates at 10.30 am until further orders and the he shall also report before the respondent Police every Saturday at 05.30 pm 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 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];



(h) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-
03/03/2023

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/ TRUE COPY /

03/03/2023

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

cmr

TO

- 1.THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
VIKRAMANGALAM POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.BALAN, Advocate (SR-3339[I] dated 03/03/2023)

ORDER
IN
CRL OP(MD) No.2366 of 2023
Date :03/03/2023

RK/SBN/SAR-(03/03/2023) 3P/7C