



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/02/2023
PRESENT

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

CRL OP(MD) . No.2550 of 2023

Mayandi

... Petitioner/Accused No.6

Vs

The State rep.by
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
Crime No. 9/2020.

... Respondent/Complainant

For Petitioner : M/s.JEGADEESHA PANDIAN.V.M.,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

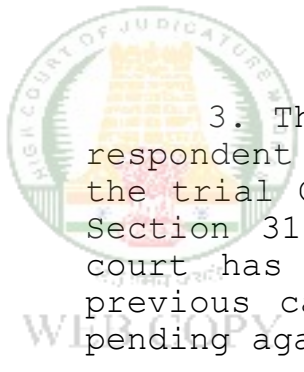
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.9 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A6 who was arrested and remanded to judicial custody pursuant to the issuance on Non Bailable Warrant on 11.01.2023 for the offence punishable under Sections 120(b),114, 149, 147, 148, 341, 294(b),302 and 506(ii) of IPC in Crime No.9 of 2020 on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner who is arrayed as A6 facing trial in S.C. No. 169 of 2022 on the file of the Additional District Court No.III, Tirunelveli. He would further submit that the petitioner is a law college student and on 05.01.2022 he had gone to Andhra Pradesh to attend the exam and on his instructions the counsel has filed an application under Section 317 of Cr.P.C, whereas the trial Court has issued Non Bailable Warrant of arrest on 05.01.2023. He would further submit that the petitioner was taking steps to recall the warrant, whereas the within five days he has arrested in his native place. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him and he would submit that the petitioner is ready to cooperate for the speedy disposal of the trial, hence he seeks bail.



3. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner did not appear before the trial Court on 05.01.2022 and he has filed an application under Section 317 of Cr.P.C for condoning the delay, whereas the trial court has dismissed the same. He would further submit that nine previous cases are pending against the petitioner and warrant is pending against A2, A4, A5 and A7.

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 Additional District Court No.III, Tirunelveli 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 trial Court daily at 10.30 a.m., for a period of one week and thereafter on the date fixed by the learned trial Judge and further the petitioner shall report before the respondent police on every Saturday at 6.30 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 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].

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



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[i] after coming out from prison the petitioner shall undertake before the trial Court that he will cooperate for speedy disposal of the case.

sd/-

08/02/2023

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08/02/2023

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

AAV

TO

1 THE ADDITIONAL DISTRICT COURT NO.III, TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.JEGADEESHA PANDIAN.V.M. Advocate SR.No.1997

ORDER

IN

CRL OP(MD) No.2550 of 2023

Date :08/02/2023

SA/SBN/SAR. /08.02.2023/3P/6C