



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.2949 of 2023

Sulaiman

... Petitioner/Accused No.9

Vs

The State rep.by,
The Inspector of Police,
Melapalayam Police Station,
In Crime No.1224 of 2012.
Tirunelveli District.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C, Advocate

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

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

PRAYER :-

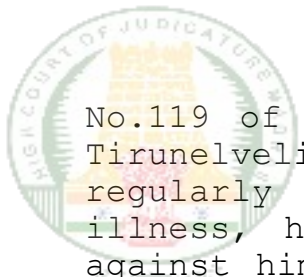
To enlarge the petitioner on bail in P.R.C.No.119/2013 on the file of Judicial Magistrate No.V,Tirunelveli and thus render justice.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was remanded on 24.12.2022, in pursuant to NBW issued by the learned Judicial Magistrate No.V, Tirunelveli in PRC No.119 of 2013, connected in Crime No.1224 of 2012, the alleged offence under Section 147 IPC r/w 4 of TNPPDL Act, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused have damaged the Government Bus by pelted stones. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner was initially granted bail and was regularly complying with the conditions. Meanwhile, the respondent has submitted a final report and the same was taken on file as PRC



No.119 of 2013, on the file of learned Judicial Magistrate 7, Tirunelveli. The petitioner is arrayed as A9 in the case and regularly appearing before the Court. On 11.10.2022, due to illness, he did not appear before the Court and NBW was issued against him. Pursuant to the same, he was arrested on 24.12.2022. The petitioner is all along appearing before the Court regularly. Since he was taking treatment, he is unable to recall the warrant. The petitioner is in judicial custody from 24.12.2022. Hence, prays to release the petitioner on bail.

4.The learned Additional Public Prosecutor would submit that in this case, there are totally 19 accused and the petitioner is arrayed as A9. Due to the absence of the petitioner, non-bailable warrant was issued against the petitioner on 11.10.2022 and the same was executed on 24.12.2022. In this case, warrant is also pending against two other accused, apart from the petitioner. The accused persons prevented the learned Magistrate to commit the case, by absconding one after another. Hence, he strongly opposed to grant bail to the petitioner.

5.In response, the learned counsel for the petitioner submitted that the petitioner has got a permanent residence and he would undertake to appear before the committal Court on all hearings and ready to abide any condition, imposed by this Court.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain 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 **Judicial Magistrate No.V, Tirunelveli**, 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 report before the concerned Court on all working days, 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/02/2023

/ TRUE COPY /

15/02/2023

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

pnm

TO

1.THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2949 of 2023

Date :15/02/2023

RK/SSS/SAR- (15/02/2023) 3P/6C

<https://www.mhc.tn.gov.in/judis>