



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.4228 of 2023

WEB COPY

Nagaraj @ Shivaji Nagaraj

... Petitioner/Accused 6

-VS-

The State represented by
The Inspector of Police,
Thideernagar Police Station,
Madurai District.
(Ref. Cr.No.266 of 2022)

... Respondent/Complainant

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

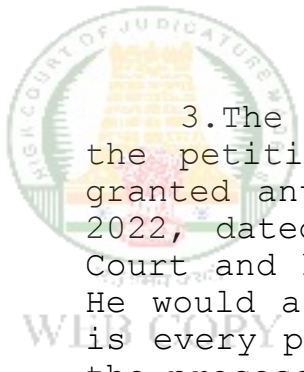
PRAYER :- For Bail in Crime No.266 of 2022 on the file of the
Respondent Police.

For Petitioner	: Mr.D.Shanmugaraja Sethupathi, Advocate
For Respondent	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody for the offences punishable under Sections 294(B), 302 and 506(ii) of IPC in Crime No.266 of 2022 on the file of the respondent police, seeks bail.

2.The learned Counsel for the petitioner would submit that the petitioner was arrayed as A6 in S.C.No.3 of 2023 pending on the file of the IV Additional District and Sessions Judge, Madurai. The petitioner was earlier arrested in the case on 15.07.2022 and thereafter, he was granted bail by this Court in CrI.O.P.(MD) No.18959 of 2022, dated 26.10.2022. After coming out of bail, after receipt of summons, the petitioner was appearing before the committal Court in P.R.C.No.321 of 2022 before the learned Judicial Magistrate-V, Madurai. However, on 12.12.2022, due to his illness, the petitioner was unable to appear the Court and hence, NBW was issued. While he was in his house, the petitioner was arrested on 13.12.2022. He would submit that subsequently, the case also now been committed to Court of Session and it is taken up on file in S.C.No.3 of 2023 on the file of the IV Additional District and Sessions Judge, Madurai. He would also submit that the petitioner undertakes to appear before the Trial Court on all hearing dates without fail and thereby, he would seek for bail.



3.The learned Additional Public Prosecutor would submit that the petitioner is the Accused No.6. The petitioner was earlier granted anticipator bail by this Court in Crl.O.P.(MD)No.18959 of 2022, dated 26.10.2022. thereafter, he did not appear before trial Court and hence, NBW was issued and he was arrested on 13.12.2022. 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.At this juncture, the learned Counsel for the petitioner would submit that the petitioner undertakes to appear before the trial Court on all hearing dates till the framing of charges.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and considering 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 IV 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];



CRL.O.P(MD)



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

sd/-
03/03/2023

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03/03/2023

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

CMR

TO

- 1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
- 3 THE INSPECTOR OF POLICE,
THIDEERNAGAR POLICE STATION,
MADRUAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SHANMUGARAJA SETHUPATHI D Advocate SR.No.3324

ORDER

IN

CRL OP(MD) No.4228 of 2023
Date :03/03/2023

SA/SBN/SAR. /03.03.2023/3P/6C