



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 16/03/2023

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PRESENT  
The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5013 of 2023

Karthick @ Ootha Karthick

... Petitioner/Accused No.2

Vs

State rep. by,  
The Inspector of Police,  
Jaihindpuram Police Station,  
Madurai City.  
(Crime No.54/2018).

... Respondent/Complainant

For Petitioner : M/s.Murugapandi S,  
Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.54/2018 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 18.08.2022 for the alleged offence under Sections 147,148,294(b),506(ii) of IPC and section 3(1) of TNPPDL Act in Crime No.54 of 2018 (S.C.No.208 of 2019 on the file of the learned IV Additional Sessions Judge, Madurai) on the file of the respondent police seeks bail.

2. Earlier the petitioner was arrested and released on bail. Thereafter the petitioner did not appear before the trial Court , hence Nonailable Warrant was issued on 17.08.2021. The petitioner was arrested on execution of Nonailable Warrant on 18.08.2022

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court and since he was remanded in another case, he was unable to appear before the trial Court, due to which Nonailable Warrant came to be issued and the petitioner was remanded to custody pursuant to the execution of Nonailable Warrant on 18.08.2022.



4. The learned Additional Public Prosecutor opposing petition would submit that the petitioner is absconding for nearly one year and with much difficulty the respondent police secured the petitioner. Further, if the petitioner is released on bail, he may abscond again.

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5. Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner was arrested on execution of Non bailable Warrant and the fact during the abscondance time, the petitioner has not committed any other offence and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned IV Additional Sessions Judge, Madurai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the learned IV Additional Sessions Judge, Madurai on all working days at 10.30 a.m and 5.30 p.m., until further orders

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].

vi) If the petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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



TO

1. The IV Additional Sessions Judge, Madurai.
2. The Superintendent, Central Prison, Madurai
3. The Inspector of Police,  
Jaihindpuram Police Station,  
Madurai City.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MURUGAPANDI, Advocate SR-4447[I]

ORDER  
IN  
CRL OP(MD) No.5013 of 2023  
Date : 16/03/2023

NA/MMS/SAR/16.03.2023/3P/6C