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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/03/2023

PRESENT

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

CRL OP(MD) . No.5014 of 2023

Manikandan @ Asari Mani

... Petitioner/Accused No.3

Vs

The State through,
The Inspector of Police,
Keeraithurai Police Station,
Madurai District.

... Respondent/Complainant

For Petitioner : M/s.Karthikeya C,
Advocate.

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

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

PRAYER :-

To release the petitioner / Accused No.3 on bail in S.C No. 48 of 2019 pending before the Honble IV Additional District and Sessions Judge, Madurai.

ORDER : The Court made the following order :-

The petitioner/A3 herein was arrested and remanded to judicial custody on 09.12.2021 for the alleged offence under Sections 147,148,452,294(b),302,506(ii) of IPC @ 147,148,452,294(b),302,506(ii),120(b),34 of IPC in Crime No.420 of 2018 (S.C. No.48 of 2019 on the file of the learned IV Additional District and 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 on 09.12.2021, hence Non Bailable Warrant was issued on 09.12.2021. The petitioner was arrested on execution of Non Bailable Warrant on

<https://www.mhco.org.in/>



3.The learned counsel for the petitioner would submit that originally the petitioner was granted bail and he was regularly appearing before the trial Court. Subsequently he was detained under Act 14 of 1982 and thereafter the detention order was set aside by the advisory board. He would further submit that except this case the petitioner was granted bail in all other cases and in this case charges have not been framed till date. The petitioner was remanded to custody pursuant to the execution of Non Bailable Warrant on 14.06.2022.

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

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 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 District and 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 District and 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].



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

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

AAV

TO

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

ORDER

IN

CRL OP(MD) No.5014 of 2023

Date : 16/03/2023

NA/SBN/SAR/16.03.2023/3P/5C