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CRL OP(MD).

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

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI
CRL OP(MD). No.8567 of 2023

Siva @ Rakki

... Petitioner/Accused No.8

Vs

The State rep.by,
The Inspector of Police,
Seithur Police Station,
Cr.No.81/2019.

... Respondent/Complainant

For Petitioner : M/s Thalaimutharasu.G,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 81/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8 herein was arrested and remanded to judicial custody on 10.04.2023 for the alleged offence under Sections 147,148,302,120(B) and 109 of IPC in Crime No.81 of 2019 (P.R.C No.10 of 2020 on the file of the learned Judicial Magistrate, Rajapalayam) 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 Non Bailable Warrant was issued on 20.07.2021. The petitioner was arrested on execution of Non Bailable Warrant on 10.04.2023.

3.On the side of the petitioner it is stated that the petitioner was regularly appearing before the trial Court and due to his poverty he went to Kerala for coolie work, hence Non Bailable Warrant came to be issued and the petitioner was remanded to custody pursuant to the execution of Non Bailable Warrant on 10.04.2023.

4. On the side of the respondent it is stated that the respondent is absconding for nearly two years and with much

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difficulty the respondent police secured the petitioner. 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, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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 Judicial Magistrate, Rajapalayam.

[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 learned Judicial Magistrate, Rajapalayam on all working days at 10.30 a.m., until the case is committed to the court of sessions.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during trial.

[f] the petitioner shall not tamper with evidence or witness either during 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.

sd/-

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04/05/2023

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

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TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
3. THE OFFICER IN CHARGE,
SUB JAIL PERURANI, THOOTHUKUDI.
4. THE INSPECTOR OF POLICE,
SEITHUR POLICE STATION,
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s. THALAIMUTHARASU.G, Advocate (SR-7199[I] dated
04/05/2023)

ORDER
IN
CRL OP(MD) No.8567 of 2023
Date : 04/05/2023

RK/BUC/SAR-(04/05/2023) 4P/7C