



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

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8661 of 2023

N.Neruppu Dinesh @ Dinesh Babu

... Petitioner/Accused No.2

Vs

State rep. by
The Inspector of Police,
Thirukokarnam Police Station,
Pudukottai District.
(Crime No.255 of 2022).

... Respondent/Complainant

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

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.255 of 2022 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner /Accused No.2 who was arrested and remanded to judicial custody on 24.04.2023 for the offences punishable under Sections 7 and 25 (1A) of Arms Act, 1959 in Crime No.255 of 2022 on the file of the respondent police, seeks bail.

2.The petitioner was arrested and released on interim bail on certain conditions. Since the petitioner was not able to comply with the said conditions, Non Bailable Warrant was issued against him and he was arrested and remanded to judicial custody on 24.04.2023.

3.The learned counsel for the petitioner would submit that the petitioner is regularly complying the conditions imposed by the trial Court and he was unable to comply with the condition due to some inevitable situation, due to which Non Bailable Warrant came to be issued and the petitioner was remanded to custody pursuant to the

<https://www.courtsofindia.org/> of Non Bailable Warrant on 24.04.2023.



4. The learned Government Advocate (Crl.Side) opposing the bail petition would submit that the petitioner is absconding. Further investigation is almost completed and the case is pending trial.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Pudukkottai on following conditions:

(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 respondent police on every Tuesday and Wednesday at 10.30 a.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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/05/2023

/ TRUE COPY /

19/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Judicial Magistrate No.II, Pudukkottai.

2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.

3. The Officer In-Charge, District Prison, Pudukkottai.

4. The Inspector of Police,
Thirukokarnam Police Station,
Pudukottai District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.MATHAVAN, Advocate (SR-7457[I] dated 18/05/2023)

ORDER IN
CRL OP(MD) No.8661 of 2023
Date : 17/05/2023

NA/VR/SAR- /19.05.2023/3P/7C