



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/05/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.8764 of 2023

Lakshmanakanthan @ Karuppasamy, ... Petitioner/Accused 2

Vs

The State rep.by
The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.
Crime No.170/2016.

... Respondent/Complainant

For Petitioner : M/s.Jeyamohan K,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

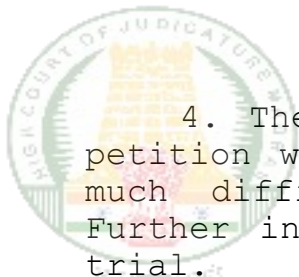
PRAYER :- To grant bail for the petitioner/accused in SC.No.726 of 2022 on the file of the Principal Sub Court, Tirunelveli.

ORDER : The Court made the following order :-

The petitioner/ A2, who was arrested and remanded judicial custody on 19.04.2023 for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC in Crime No.170 of 2016(S.C.No.726 of 2022 on the file of the Principal Sub Court, Tirunelveli), 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 24.11.2022. The petitioner was arrested on execution of Non Bailable Warrant on 19.04.2023

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates and due to his ill health, he was unable to appear before the trial Court, due to which Non Bailable Warrant came to be issued and the petitioner was remanded to custody pursuant to the execution of Non Bailable Warrant on 19.04.2023.



4. The learned Additional Public Prosecutor opposing petition would submit that the petitioner is absconding and with much difficulty the respondent police secured the petitioner. 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 and also taking note of the fact that the investigation is completed, 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 Principal Sessions Judge, Tirunelveli

(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 Principal Sessions Judge, Tirunelveli on all hearing dates at 10.30 am., until the case is completed

(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

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17/05/2023

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



AAV

TO

1 THE PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.

2 THE PRINCIPAL SUBORDINATE JUDGE,
TIRUNELVELI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
MUNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEYAMOHAN K Advocate SR.No.7416

ORDER

IN

CRL OP(MD) No.8764 of 2023

Date :17/05/2023

SA/VR/SAR. /17.05.2023/3P/7C