



WEB COPY

CRL OP(MD).



23

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.8831 of 2023

Boopathi

... Petitioner/Accused No.6

Vs

State Rep.by

The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
Crime No.235 of 2016.

... Respondent/Complainant

For Petitioner : M/s.Rameshkumar D, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

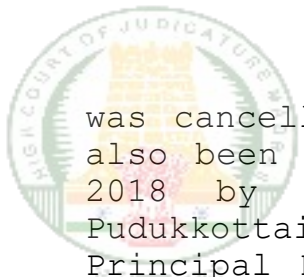
To enlarge the petitioner on bail in connection with the case in S.C.No.55 of 2018 on the file of the learned Principal District and Sessions Judge, Pudukkottai in Crime No.235 of 2016, on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A6, who is facing a trial for the offences punishable under Sections 147, 148, 294(b) and 352 IPC r/w Section 3 (1) of TNPPDL Act in S.C.No.55 of 2018 on the file of the learned Principal District and Sessions Judge, Pudukkottai in Crime No.235 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the A1 and the de-facto complainant, A1 and others along with the petitioner assaulted the de-facto complainant and caused damage to the Tea boilers of the de-facto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner was already granted interim bail by the lower Court in Crl.M.P.No.3977 of 2022 on 17.11.2022 by imposing certain conditions. Due to non-compliance of the condition, the interim bail



was cancelled. Subsequently, in the present case, final report as also been filed and the same was taken cognizance in S.C.No.55 of 2018 by the learned Principal District and Sessions Judge, Pudukkottai. Since the petitioner has not turned up for hearing, the Principal District and Sessions Judge, Pudukkottai has issued non-bailable warrant against him on 20.10.2022 and he was arrested. Hence, he prays for bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the Non-Bailable Warrant was issued on 20.10.2022 and the petitioner was arrested on 24.11.2022.

5.Taking into consideration of the facts and submissions made by the learned counsels, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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.I, Pudukkottai, and on further conditions that:

[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 respondent police daily at 10.30 A.M. for a period of two months and thereafter, as and when required for interrogation;

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

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

[f] the petitioner shall not tamper with evidence or witness either during investigation or 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/-

17/05/2023

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17/05/2023

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



- 1 THE PRINCIPAL DISTRICT AND SESSSIONS JUDGE, PUDUKKOTTAI.
- 2 THE JUDICIAL MAGISTRATE NO.I, PUDUKKOTTAI.
- 3 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.
- 5 THE INSPECTOR OF POLICE, PUDUKKOTTAI TOWN POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8831 of 2023
Date :17/05/2023

RS/MMS/SAR-(17.05.2023) 3P 7C