



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

Date : 18/05/2023

PRESENT

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

CRL OP(MD). No.9036 of 2023

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... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai.
Crime No.420/2019

... Respondent

For Petitioner : M/s.William Christopher.J, Advocate.

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

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

PRAYER :-

For Bail in Crime No.420/2019 on the file of the respondent police.

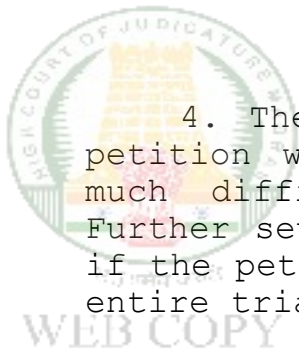
ORDER : The Court made the following order :-

The petitioner/ A2, who was arrested and remanded judicial custody on 04.03.2023 for the offences punishable under Sections 147,148,302,120(b) and 109 of IPC in Crime No.420 of 2019(S.C. No.503 of 2019 on the file of the learned VI 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 , hence Non Bailable Warrant was issued on 14.03.2022. The petitioner was arrested on execution of Non Bailable Warrant on 04.03.2023.

3. The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates and the petitioner was arrested in some other case, hence 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 04.03.2022.



4. The learned Additional Public Prosecutor opposing the petition would submit that the petitioner is absconding and with much difficulty the respondent police secured the petitioner. Further seven previous cases are pending against the petitioner and if the petitioner is released on bail, he may abscond again and the entire trial will be stalled.

5. Though seven previous cases are pending against the petitioner and he is in custody there is no progress in the trial. 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 VI 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 VI Additional District and Sessions Judge, Madurai on all hearing dates at 10.30 am., until the case is completed and except the hearing dates he shall report before the respondent police at 10.30 am., for a period of three months.

(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/-

18/05/2023

/ TRUE COPY /

19/05/2023

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

AAV



TO

1 THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE, AVANIYAPURAM POLICE STATION, MADURAI.

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

+1 CC to M/s.J.WILLIAM CHRISTOPHER, Advocate (SR-7495[I] dated
18/05/2023)

ORDER

IN

CRL OP(MD) No.9036 of 2023

Date :18/05/2023

RS/CG/SAR-(18.05.2023) 3P 6C