



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/06/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9468 of 2023

V.Prabhu, ... Petitioner/Accused No.7

Vs

The State Rep.by
The Inspector of Police,
Mangalampettai Police Station,
Cudallore District.
Cr.No.78/2006.

... Respondent/Complainant

For Petitioner : M/s.Duraipandian.K.S.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

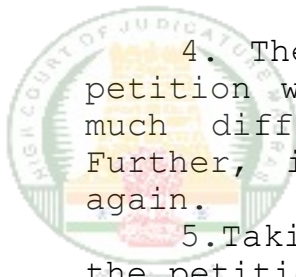
For Bail in Crime No. 78/2006 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.5 herein was arrested and remanded to judicial custody on 08.05.2023 for the alleged offence under Sections 457(2), 380(2), 114, 414 and 411(2) of IPC in Crime No.78 of 2006 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 20.02.2023. The petitioner was arrested on execution of Non Bailable Warrant on 08.05.2023.

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 08.05.2023.



4. The learned Additional Public Prosecutor opposing the petition would submit that the petitioner was absconding with much difficulty the respondent police secured the petitioner. Further, 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, the petitioner is ordered to be released on bail on his 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 ACJM Special Court for Idol Theft Cases, Kumbakonam.

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 ACJM Special Court for Idol Theft Cases, Kumbakonam daily at 10.30 a.m for a period of six weeks and thereafter, as when and requires for interrogation;

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 petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

[i] the petitioner shall file undertaking affidavit before the trial Court that he will appear all hearing dates without fail. If the petitioner fails to comply with the said undertaking the respondent is at liberty to secure the petitioner and proceed in accordance with law.

sd/-

05/06/2023

/ TRUE COPY /

/06/2023

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



TO

1 THE ACJM
SPECIAL COURT FOR IDOL THEFT CASES, KUMBAKONAM.

2 THE OFFICER IN CHARGE,
SUB JAIL, KUMBAKONAM.

3 THE INSPECTOR OF POLICE
MANGALAMPETTAI POLICE STATION, CUDALLORE DISTRICT.

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

ORDER

IN

CRL OP (MD) No.9468 of 2023

Date : 05/06/2023

MGJ(05.06.2023) 3P 5C