



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07.06.2023
PRESENT

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

CRL OP(MD)No.9859 of 2023

Devikumar

... Petitioner/Accused 1

Vs

The State rep.by
The Sub Inspector of Police,
Karivalam Vantha Nallur Police Station,
Tenkasi District.
Crime No.65 of 2014.

... Respondent/Complainant

For Petitioner : M/s.SUNDARAPANDIAN.S,
Advocate.

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

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

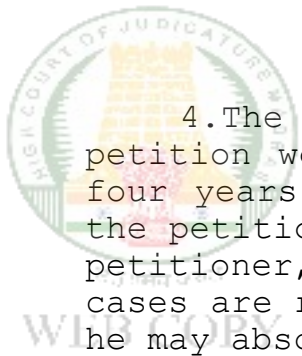
PRAYER :- For Bail in Crime No.65 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded judicial custody on 31.03.2023 for the offences punishable under Sections 364,342,302 r/w 34 IPC in Crime No.65 of 2014, 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 and hence, Non Bailable Warrant was issued. The petitioner was arrested on execution of Non Bailable Warrant on 31.03.2023

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates and due to his poverty he went to Kerala for work 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 31.03.2023.



4.The learned Additional Public Prosecutor opposing the petition would submit that the petitioner is absconding for nearly four years and with much difficulty the respondent police secured the petitioner. Further, six previous cases are pending against the petitioner, of which four cases are already disposed of and two cases are ripe for trial and if the petitioner is released on bail, he may abscond again.

5.Taking into consideration of the above facts and circumstances and also the period of incarceration, 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.10,000/- (Rupees Ten Thousand only) with two blood sureties(blood sureties) each for a like sum to the satisfaction of the learned 3rd Additional Sessions Judge, Tirunelveli 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 trial Court on all working days at 10.30 A.M., until further orders.

[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/-

07/06/2023

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07/06/2023

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



1 THE 3 ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE SUB INSPECTOR OF POLICE,
KARIVALAM VANTHA NALLUR POLICE STATION,
TENKASI DISTRICT.

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

+1. CC to M/S.SUNDARAPANDIAN S Advocate SR.No.8186

ORDER

IN

CRL OP (MD) No.9859 of 2023
Date :07/06/2023

SA/VR/SAR. /07.06.2023/3P/7C