



WEB COPY

Crl.OP(MD)N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.12460 and 12461 of 2023

Imran

... Petitioner/Accused No.2
in Crl.OP(MD)No.12460/2023

Malik Batch @ Batcha

... Petitioner/Accused No.4
in Crl.OP(MD)No.12461/2023

Vs

State Rep.by
The Inspector of Police,
Kumbakonam East Police Station,
Thaanjavur District.
(Crime No.172/2019)

... Respondent/Complainant

In both petitions:

For Petitioners : M/s.S.M.A.Jinnah, Advocate
For Respondent : Mr.B.Nambiselvam,
Additional Public Prosecutor

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

COMMON PRAYER :-

To enlarge the Petitioners on bail in PRC No.32/2020 on file of the Judicial Magistrate I, Kumbakonam in Crime No.172/2019 pending on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused herein, who were arrested on 05.05.2023 in pursuant to NBW issued by the learned Judicial Magistrate No.I, Kumbakonam in P.R.C.No.32 of 2020, connected in Crime No.172 of 2019, the alleged offence under Sections 392, 397, 395, 399 of IPC and 28 of Arms Act, seek bail.

2.The petitioners were originally arrested in another case and remanded to custody. Therefore, the petitioners failed to appear before the trial Court for hearing in PRC No.32 of 2020. Therefore, Non-bailable warrant has been issued against the petitioners by the Criminal Court on 29.03.2023, at that time the petitioners were in



custody in another case. On that ground, the bail petition has been filed by the petitioners.

3. In this regard, a report is called for from the trial Court. It is stated that initially summons were issued to the petitioners by the trial Court, but none appeared. Since there was no representation for the petitioners, the trial Court has issued Non-bailable warrants against them, without knowing the fact that they were in custody in another case.

4. Without knowing the fact that the petitioners were in custody in another case, the trial Court has issued Non-bailable warrant. The trial Court and the respondent failed to take steps to secure the petitioners by way of P.T. Warrant. Considering the said fact, this Court is inclined to release the petitioners on bail with certain conditions.

5. Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Kumbakonam, Thanjavur District**, and on further condition that the petitioners shall report before the concerned trial Court daily at 10.30 a.m. until further orders.

sd/-

12/07/2023

/ TRUE COPY /

12/07/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT, CENTRAL JAIL (PUZHAL), CHENNAI.
- 4 THE INSPECTOR OF POLICE, KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.SMA.JINNAH, Advocate (SR-10581[I], SR-10582[I] dated 12/07/2023)

ORDER IN
CRL OP(MD).Nos.12460 and 12461 of 2023
Date :12/07/2023

RS/VR/SAR-(12.07.2023) 2P 8C