



WEB COPY

CRL OP(MD). N



22

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

Date : 24/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21888 of 2022

Vignesh Pandi @ Vignesh Pandian ... Petitioner/Accused No.1

Vs

The State Rep.By
The Inspector of Police,
Tallakulam Police Station,
Madurai,
Crime No.1268 of 2019.

... Respondent/Complainant

For Petitioner : M/s.Kannan.M,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.1268 of 2019 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 27.09.2021 pursuant to the execution of Non Bailable Warrant in Crime No.1268 of 2019 for the offences under sections 147, 148, 342, 452, 427,302 and 506(ii) of IPC seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner/A1 is facing trial in S.C. No.532 of 2019 on the file of the learned VI Additional Sessions Judge (Fast Track Court), Madurai. He would further submit that the case was committed to the Court of sessions and taken up for trial in S.C. No.532 of 2019 and the petitioner was regularly appearing before the Court and due to his illness the petitioner was unable to appear before the Court and hence Non Bailable Warrant came to be issued on 27.09.2021. The petitioner was arrested pursuant to the Non Bailable Warrant and he is in custody for more than 480 days, hence he seeks



3. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner did not appear before the Court on 19.01.2021 and he is absconding and later Non Bailable Warrant was executed on 27.09.2021. He would further submit that during the pendency while he was absconding the petitioner got involved in cases under Sections 397 of IPC and NDPS Act and thereby he opposed for grant of bail.

4. Heard. Perused the materials available on record including the First Information Report.

5. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties(of which one shall be the blood related surety) each for a like sum to the satisfaction of the learned VI Additional Sessions Judge (Fast Track Court), Madurai 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 learned VI Additional Sessions Judge (Fast Track Court), Madurai on all working day at 10.30 am., until further orders excepting the days when his presence is required before the other courts.

[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 FI registered under Section 229A IPC.

7. In the event petitioner not appearing before the trial Court the learned Sessions Judge shall straight away issue Non Bailable Warrant of arrest against the petitioner.

sd/-
24/01/2023

/ TRUE COPY /

24/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE,
VI ADDITIONAL SESSIONS JUDGE (FAST TRACK COURT),
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION, MADURAI,

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

+1 CC to M/s.M.KANNAN, Advocate (SR-1042[I] dated 24/01/2023)

ORDER
IN
CRL OP(MD) No.21888 of 2022
Date :24/01/2023

AAV
RS/SSS/SAR. /24.01.2023/3P/6C