



CRL OP(MD). No.20490 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20490 of 2023

K.Rajasekar

... Petitioner/ Accused

Vs

The State rep.by,
The Inspector of Police,
Chettinad Police Station,
Sivagangai District.
(Crime No.16/2018).

... Respondent/ Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in SC No.57/25023 on the file of the learned Sessions Judge, Fast Track Mahila Court, Sivagangai.



CRL OP(MD). No.20490 of 2023

ORDER : The Court made the following order :-

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The petitioner/ Accused, who was arrested and remanded to judicial custody on 28.07.2023 for the alleged offences punishable under Sections 449, 302, 380 IPC, in Crime No.16 of 2018, on the file of the respondent police, seeks bail.

2. In this case, earlier, the petitioner was granted bail. However, he did not appear before the Sessions Judge, Fast Track Mahila Court, Sivagangai on 18.05.2023. Hence, Non-Bailable Warrant has been issued.

3. The learned Counsel appearing for the petitioner would contend that since on 12.05.2023, the petitioner was arrested and remanded to judicial custody in another case, he could not appear before the trial Court on 18.05.2023 and on the same day, Non-Bailable Warrant has been issued. Hence, the learned counsel prays for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that since the petitioner has not appeared before the trial Court, Non-Bailable Warrant is issued. Hence, he strongly opposed to grant bail to the petitioner.



CRL OP(MD). No.20490 of 2023

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5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances and also considering the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(i) 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 sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Sivagangai and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court as directed by the trial Court;

(iv) the petitioner shall not tamper with evidence or witness;



CRL OP(MD). No.20490 of 2023

(v) the petitioner shall not abscond during trial.

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(vi) On breach of any of the aforesaid conditions, the learned Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/11/2023

/ TRUE COPY /

22/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN
TO

1. The Sessions Judge, Fast Tract Mahila Court, Sivagangai.
2. The Superintendent, Central Prison, Madurai.



CRL OP(MD). No.20490 of 2023

3.The Inspector of Police,
Chettinad Police Station,
Sivagangai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-16642[I] dated 21/11/2023)

ORDER
IN
CRL OP(MD) No.20490 of 2023
Date :21/11/2023

RK/ (22/11/2023) 5P / 6C

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