



CRL OP(MD). No.22625 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.22625 of 2023

Sankar

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli.
Crime No.107 of 2021.

... Respondent/Complainant

For Petitioner : M/s.A.Jegatha, Advocate.

For Respondent : Mr.R.M.S.Sethuraman, Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner / Accused on bail in respect of S.C.No.512 of 2021 on the file of Learned Mahalir Neethimandram, Tirunelveli.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 24.11.2023 for the alleged offence punishable under Sections 294(b), 307 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.107 of 2021, (S.C. No.512 of 2021 on the file of the Mahalir Neethi Mandram, Tirunelveli) on the file of the



CRL OP(MD). No.22625 of 2023

respondent police, seeks bail.

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2.Earlier the petitioner was arrested and released on bail. Thereafter he met with an accident and he did not appear before the trial Court on 07.10.2023 , hence Non Bailable Warrant was issued. The petitioner was arrested on execution of Non Bailable Warrant on 24.11.2023.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Further the petitioner is in custody from 24.11.2023, hence he seek bail.

4.The learned Additional Public Prosecutor opposing the bail petition would submit that if the petitioner is released on bail, he may abscond again.

5.Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also 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 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the Mahalir Neethimandram, Tirunelveli and on further conditions that:



CRL OP(MD). No.22625 of 2023

WEB COPY

(i) the petitioner shall appear before the trial Court on receipt of summons

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

(iii) the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-
15/12/2023

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15/12/2023

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

AAV
TO

1 THE JUDGE, MAHALIR NEETHIMANDRAM, TIRUNELVELI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, THATCHANALLUR POLICE STATION,
TIRUNELVELI.



CRL OP(MD). No.22625 of 2023

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

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-17879[I] dated 15/12/2023)
ORDER
IN
CRL OP(MD) No.22625 of 2023
Date :15/12/2023

RS//SAR-(15.12.2023) 4P 6C
Madurai Bench of Madras High Court is issuing
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