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Crl.O.P.No.27718 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.27718 of 2023

Manickaraj

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
Crime No.344 of 2018

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in C.C.No.29 of 2021 pending on the
file of the learned District Munsif cum Judicial Magistrate, Madukkarai,
Coimbatore District in Crime No.344 of 2018.

For Petitioner : Mr.R.Muthukumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who is arrayed as A2 in C.C.No.29 of 2021 now
pending on the file of the learned District Munsif cum Judicial Magistrate,
Madukkarai Coimbatore, seeks bail.



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2.Originally, Crime No.344 of 2018 had been registered by the respondent Police for the offences under Sections 457 and 380 of IPC.

3.The petitioner had absconded from judicial process and Non-bailable Warrant was issued against him on 02.11.2022 and it was executed only on 25.06.2023.

4.The earlier application for bail filed by the petitioner was dismissed by this Court on 07.11.2023 in CrI.O.P.No24947 of 2023. A2 and A4 are still absconding.

5.But that would not be a factor to retain the petitioner further in incarceration.

6.Taking this factor into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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 District Munsif cum Judicial Magistrate, Madukkarai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb



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Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the learned District Munsif cum Judicial Magistrate, Madukkarai, everyday, till completion of the trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

09.01.2024

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To

1.The District Munsif cum Judicial Magistrate, Madukkarai.

2.The Central Prison, Coimbatore.



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C.V.KARTHIKEYAN,J.

Vkr

3.The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.

4. The Public Prosecutor, High Court of Madras.

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