



CRL OP(MD). No.188 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Manibarath

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.232 of 2017.

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in P.R.C.No.21 of 2018, on the file of the Judicial Magistrate, Pattukottai in Crime No. 232 of 2017 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who is facing trial for the offence punishable under Sections 120(B), 447, 341, 294(b), 324, 326 and 307 r/w 34 of I.P.C. in P.R.C.No.21 of 2018 on the file of the learned Judicial Magistrate, Pattukottai and the same was committal before the learned Principal District and Sessions Judge,



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Thanjvur in S.C.No.314 of 2023, seeks bail.

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2. The case of the prosecution is that the case is of the year 2017. Earlier, the petitioner was arrested and released on bail. Thereafter, the petitioner did not appear before the trial Court. Hence, Non Bailable warrant was issued on 31.07.2019 and pursuant to which, the petitioner was arrested on 02.09.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was unable to appear before the concerned Court and pursuant to the non bailable warrant issued, he was arrested and remanded to judicial custody on 02.09.2023. He would further submit that the petitioner is in judicial custody for more than four months. He would further submit that the petitioner is willing to abide by any conditions imposed by this Court and accordingly, he prays for granting of bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that if bail is granted to the petitioner, the trial will not be proceed further. He would further submit that the investigation in this case is completed and charge sheet has also been filed before the concerned Court. He would further submit that NBW was issued in the year 2019 and the petitioner was arrested only in the year 2023, after the lapse of 3 ½ years. He would further submit that



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already the petitioner had filed a Bail Petition in Crl.O.P.(MD).No.18580 of 2023 and the same was dismissed by this Court on 11.12.2023 and accordingly, he prays for dismissal of this petition.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Pattukottai and on further conditions that:

(a) 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;

(b) the petitioner is directed to appear before the trial Court for each and every hearing dates, failing which, the bail granted by this Court shall stand automatically cancelled;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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trial;

(d)the petitioner shall not abscond 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/01/2024

/ TRUE COPY /

08/01/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.



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4 THE INSPECTOR OF POLICE, MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO

THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, THANJAVUR.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-319[I] dated 08/01/2024)

ORDER

IN

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Date :08/01/2024

RS//SAR-(08.01.2024) 5P 8C

Madurai Bench of Madras High Court is issuing
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