



CRL OP(MD). No.1336 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Gopalakrishnan

2.Saravanan

3.Eswarmoorthis @ Eswaramoorthy

... Petitioners/ Accused Nos.2 to 4

Vs

State represented by
The Inspector of Police,
Thanjavur Tamil University Police Station,
Thanjavur District.
Crime No.23 of 2016.

... Respondent/Complainant

For Petitioner : Mr.B.P.Raghavan,
Advocate.

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

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

PRAYER :-

To enlarge the petitioners on bail in S.C.No.184 of 2017, pending on the file of the learned Principal District Judge, Thanjavur.



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ORDER: The Court made the following order :-

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The petitioners/accused Nos.2 to 4, who were arrested and remanded to judicial custody on 14.12.2023 on execution of Non-Bailable Warrant issued by the learned Principal District Judge, Thanjavur, for the offences punishable under Sections 379 IPC r/w. 136(1) of IE Act, in S.C.No.184 of 2017, seeks bail.

2. The case of the prosecution is that the defacto complainant registered a complaint in the year 2016 and the case has been taken on file as S.C.No.184 of 2017 before the learned Principal District Judge, Thanjavur, as against the petitioners. Due to non-appearance of the petitioners on 26.06.2023, the trial Court issued non-bailable warrant, pursuant to which, the petitioners were arrested and remanded to judicial custody on 14.12.2023.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners co-operated with the trial proceedings in all hearings and due to non-appearance on 26.06.2023, Non bailable warrant was issued against the petitioners. So, they were arrested and remanded to judicial custody on the same day. Hence, he prays for bail.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that though no previous case is pending against the petitioners apart from this case, the petitioners involved in heinous nature of offence. If they are released on bail, they may abscond and there will be no progress in the trial. Hence, he vehemently objected to grant bail to the petitioners.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration and no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the learned Principal District Judge, Thanjavur 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 learned learned Principal District Judge, Thanjavur, on each and every hearing date, failing which, the bail granted to the petitioners by this Court shall stand automatically vacated.



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

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
31/01/2024

/ TRUE COPY /

31/01/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE PRINCIPAL DISTRICT JUDGE,
THANJAVUR.

2 THE INSPECTOR OF POLICE
THANJAVUR TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT



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3 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR.

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

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-1254[I] dated 31/01/2024)

ORDER

IN

CRL OP(MD) No.1336 of 2024

Date :31/01/2024

SS/SAR- /31/01/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023