



CRL OP(MD). No.1503 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 06/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1503 of 2024

I.Pandi @ Kakkapandi

... Petitioner/ Accused No.7

Vs

The Inspector of Police,  
Kumbakonam Taluk Police Station,  
Thanjavur District.  
Crime No.451 of 2009..

... Respondent/Complainant

For Petitioner : Mr.Na.Manimaran,  
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 S.C.No.336 of 2011, on the file of the learned Additional District and Sessions Judge (F.T.C), Kumbakonam, Thanjavur District in Crime No. 451 of 2009 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.7, who is facing trial for the offences punishable under Sections 147, 148, 149, 294(b) and 302 IPC in S.C.No.336 of 2011, on the file of the learned Additional District and Sessions Judge (F.T.C), Kumbakonam, Thanjavur District in Crime No.451 of 2009, seeks bail.



CRL OP(MD). No.1503 of 2024

WEB COPY

2. The case of the prosecution is that on 13.11.2009, at about 06.30 A.M, due to previous enmity, the petitioner along with other accused persons attacked the *defacto* complainant's husband and stabbed him with knife and suddenly, he died in the spot. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that there are five previous cases pending against the petitioner, out of which, three cases are disposed of and only two cases are pending against the petitioner. He would further submit that the date of occurrence was in the year 2009 and the charge sheet was filed in the year 2011 and due to his non-appearance, Non Bailable Warrant has been issued against the petitioner and the petitioner was secured only on 27.03.2023. He would further submit that the petitioner is in judicial custody for more than eleven months. He would further submit that the petitioner is ready to appear before the trial Court every day till the disposal of the case and hence, he prayed for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally, there are five previous cases pending against the petitioner, out of which, one case is in 302 IPC offence. He would further submit that totally there are nine accused in this case and the petitioner is arrayed as the



CRL OP(MD). No.1503 of 2024

seventh accused and accordingly, he prays for dismissal of this petition.

WEB COPY

5. Heard the learned counsel on either side.

6. It appears that the petitioner was unable to appear before the concerned Court and pursuant to the non bailable warrant, he was arrested and remanded to judicial custody on 27.03.2023.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioner has voluntarily come forward to co-operate with the trial and also considering the fact that the petitioner is ready to appear before the trial Court for every day till the disposal 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:

8. 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 No.II, Kumbakonam, Thanjavur District** 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;



CRL OP(MD). No.1503 of 2024

WEB COPY

(b) the petitioner is directed to appear before the concerned trial Court for every day till the disposal of the case in S.C.No.336 of 2011; In respect of other cases, liberty is granted to the petitioner to file a petition under Section 317 CR.P.C., before the concerned Court.

(c)the petitioner shall not tamper with evidence or witness either during investigation or 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/-  
06/02/2024

/ TRUE COPY /

06/02/2024  
Sub-Assistant Registrar ( )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TSG



CRL OP(MD). No.1503 of 2024

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE  
(F.T.C), KUMBAKONAM, THANJAVUR DISTRICT
- 2 THE JUDICIAL MAGISTRATE NO.II  
KUMBAKONAM, THANJAVUR DISTRICT.
- 3 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.
- 5 THE INSPECTOR OF POLICE  
KUMBAKONAM TALUK POLICE STATION,  
THANJAVUR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN

CRL OP(MD) No.1503 of 2024

Date :06/02/2024

SS/SAR- /06/02/2024/5P/7C

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