



CRL OP(MD). No.1633 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Prasanth

... Petitioner/ Accused Rank No.1

Vs

The Inspector of Police,  
Thirukattupalli Police Station,  
Thanjavur District.  
Crime No.2 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate.

For Respondent : Mr.B.Nambi Selvan, Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner/ Accused on bail in the event of arrest in pursuant to NBW dated 01.11.2023 issued by the learned Additional Assistant Sessions Court, Thanjavur in S.C.No.70 of 2022.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who is facing trial for the offence punishable under Sections 147, 148, 294(b), 324, 326, 352 and 307 of I.P.C. in S.C.No.70 of 2022 on the file of the learned Additional Assistant Sessions Court, Thanjavur, in Crime No.2



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of 2021, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the case is of the year 2021. Earlier, the petitioner was arrested and released on bail. Thereafter, the petitioner did not appear before the trial Court. Hence, Nonailable warrant was issued on 01.11.2023 and pursuant to which, the petitioner was arrested on 11.12.2023.

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 subsequently, the petitioner was implicated for the offence under Section 302 IPC and thereby, he was arrested, due to which, he was unable to appear before the concerned Court and pursuant to the nonailable warrant issued, he was arrested and remanded to judicial custody on 11.12.2023. He would further submit that the petitioner is in judicial custody for more than 65 days. 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 apart from this case, there are four previous case pending against the petitioner including 302 IPC and 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. Hence, he



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prays for dismissal of this petition.

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5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the period of incarceration and further, the major offence under Section 302 IPC, the petitioner was already enlarged on bail, 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 Additional Assistant Sessions Court, 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 trial Court on all working days at 10.30 a.m till the disposal of the criminal case;

(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



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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/-  
22/02/2024

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22/02/2024

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

SJI

TO

1 THE ADDITIONAL ASSISTANT SESSIONS JUDGE, THANJAVUR.

2 THE OFFICER INCHARGE, DISTRICT PRISON, THANJAVUR,  
THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE, THIRUKATTUPALLI POLICE STATION,  
THANJAVUR DISTRICT.

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



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ORDER

IN

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Date :22/02/2024

RS//SAR-(22.02.2024) 5P 5C

Madurai Bench of Madras High Court is issuing  
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