



CRL OP(MD). No.1742 of 2024

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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.1742 of 2024

G.Ponnar

... Petitioner / Sole Accused

Vs

The Inspector of Police,
Cumbam North Police Station,
Theni District.
(Crime No.210/2018.)

... Respondent/Complainant

For Petitioner : C.Suresh Kannan, Advocate.

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

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

PRAYER :-

To release the Petitioner on bail pending Trial in SC.No.28/2019 on the file of the Principal District Sessions Judge, Theni, Theni District.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who is facing trial for the offences punishable under Sections 294(b) and 302 IPC in S.C.No.28 of 2019, on the file of the learned Principal District Sessions Judge, Theni in Crime No.210 of 2018, seeks bail.



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2. The case of the prosecution is that on 15.04.2018, at about 09.30 P.M., due to previous enmity, the petitioner / sole accused attacked the defacto complainant's brother with sickle in his left chest and the injured was died. 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 due to his non-appearance for a long time, Non Bailable Warrant has been issued against the petitioner on 25.08.2022 and the petitioner was secured only on 11.03.2023. 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 the petitioner is the sole accused and there are two previous cases pending against the petitioner and the offences were grave in nature. He would further submit that earlier, the petitioner was declared as a "proclaimed offender" and therefore, he vehemently opposes for grant of bail.

5. Heard the learned counsel on either side.

6. It appears that the petitioner was unable to appear before the concerned Court for a long time and pursuant to the non bailable warrant, he was arrested and



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remanded to judicial custody on 11.03.2023.

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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 Principal District Sessions Judge, Theni 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 concerned trial Court for every day till the disposal of the case in S.C.No.28 of 2019; 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



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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 (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The Principal District and Sessions Judge,
Theni.



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2.The Inspector of Police,
Cumbum North Police Station,
Theni District.

3.The Officer Incharge,
District Jail, Theni.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-1462[I] dated 06/02/2024)

ORDER
IN
CRL OP(MD) No.1742 of 2024
Date :06/02/2024

ED/ /SAR- (06/02/2024) 5P / 6C

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