



CRL OP(MD). No.2007 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2007 of 2024

Magalingam @ Lingasamy

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
In Crime No.256 of 2011.

... Respondent/Complainant

For Petitioner : Mr.ANTO PRINCE,
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.367 of 2018, pending on the file of the learned Additional District and Sessions Judge, Dindigul District.

ORDER : The Court made the following order :-

The petitioner /accused No.2, who was arrested and remanded to judicial custody on 08.09.2023 on execution of Non-Bailable Warrant issued by the learned Additional District and Sessions Judge, Dindigul District, for the offences punishable under Sections 341 and 302 of IPC in S.C.No.367 of 2018, seeks bail.



CRL OP(MD). No.2007 of 2024

WEB COPY

2. The petitioner was absent during the trial in S.C.No.367 of 2018 pending on the file of the learned Additional District and Sessions Judge, Dindigul District. Thereby, Non Bailable Warrant came to be issued on 21.07.2023. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 08.09.2023.

3.The learned counsel for the petitioner would submit that due to ill health, he could not appear before the Court below on 21.07.2023. Hence, Non Bailable Warrant was issued against him on 21.07.2023 and the same was executed on 08.09.2023. This is the second bail petition. Earlier petition filed by the petitioner in CrI.OP(MD) No.21720 of 2023 was dismissed by this court on 20.12.2023. The learned counsel undertakes that the petitioner shall appear before the court below regularly on all future hearing dates without fail. Hence, he prays for grant of bail to the petitioner.

4.Heard the learned Additional Public Prosecutor appearing for the State would submit that this the fourth time, Non Bailable Warrant was issued against the petitioner by the Court below. If he is enlarged on bail, there will no progress in the trial process. Further, the petitioner is having 2 previous cases. Hence, he vehemently, opposed to grant bail to the petitioner.

5.Even though the petitioner is having 2 previous cases i.e., 323 and 324 of IPC cases, it is not a heinous offence.

6.Considering the period of incarceration and also considering the undertaking



CRL OP(MD). No.2007 of 2024

given by the petitioner that the petitioner shall appear before the court below regularly on all future hearing dates without fail, 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 District and Sessions Judge, Dindigul 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;

(b) the petitioner is directed to appear before the learned Additional District and Sessions Judge, Dindigul District, on each and every hearing date, failing which, the bail granted to the petitioner by this Court shall stand automatically vacated.

(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



CRL OP(MD). No.2007 of 2024

WEB COPY

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/-
09/02/2024

/ TRUE COPY /

09/02/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO
1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, DINDIGUL DISTRICT.

2 THE OFFICER INCHARGE,
DINDIGUL SUB PRISON, DINDIGUL.

3 THE INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-1626[I] dated 09/02/2024)
<https://www.mhc.tn.gov.in/judis>



WEB COPY



CRL OP(MD). No.2007 of 2024

ORDER
IN
CRL OP(MD) No.2007 of 2024
Date :09/02/2024

SA/SAR. /09.02.2024/5P/6C

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