



CRL OP(MD)No.2745 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21.02.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.2745 of 2024

Nathiya

... Petitioner / Accused No.1

Vs

State rep by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(In Crime No.25 of 2018)

... Respondent / Complainant

For Petitioner : Mr.R.Maheswaran, Advocate
for Mr.C.Susikumar, Advocate

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

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

PRAYER :-

For Bail in Crime No.25 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / A1, who was arrested and remanded to judicial custody on
20.11.2023 for the alleged offence punishable under Sections 120(B), 302, 394 r/w 511



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IPC Crime No.25 of 2018, on the file of the respondent Police, seeks bail.

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2.The case of the prosecution is that on the instigation of the petitioner herein, the other accused persons have murdered the deceased. Due to non-appearance before the trial Court, NBW was issued, subsequently the petitioner was secured. Hence, the petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner was arrested in some other case and hence, she was unable to appear before the trial Court and thereby, NBW came to be issued, pursuant to which, the petitioner was arrested. He would further submit that the petitioner is ready to appear before the trial Court till the disposal of the criminal case.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is having 10 previous case, out of which four cases were disposed. He would further submit that the petitioner was absent before the trial Court and hence, the trial Court issued NBW, pursuant to which, the petitioner was arrested. If the bail is granted to the petitioner, she will again absent before the trial Court and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. 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 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 for each and every hearings 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 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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered
under Section 229-A IPC.

sd/-
21/02/2024

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21/02/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

- 1.The Additional District and Sessions Judge,
Dindigul.
- 2.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.2745 of 2024
Date :21/02/2024



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ED/ /SAR- (21/02/2024) 5P / 5C

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