



CRL OP(MD). No.2906 of 2024

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

Date : 26/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Sabaraiselvam

... Petitioner / Accused No.2

Vs

The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.43 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesha Pandian, Advocate.

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

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

PRAYER :-

To release the petitioner/accused No.2 on bail in connection with S.C.No.222 of 2022, on the file of the Additional Court No.III, Tirunelveli.

ORDER : The Court made the following order :-

The petitioner /accused No.2, who is facing trial for the offence punishable under Sections 294(b), 342, 302, 506(ii), 114 r/w. Section 34 IPC in S.C.No.222 of



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2022, on the file of the learned Additional Court No.III, Tirunelveli, in Crime No.43 of 2022, seeks bail.

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2. The case of the prosecution is that the petitioner has not appeared for hearing before the trial Court on 13.09.2023 and therefore, Non-Bailable warrant was issued against the petitioner by the trial Court, pursuant to which, the petitioner was arrested and remanded to judicial custody on 13.09.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody in connection with Crime No.165 of 2023 and therefore, he could not appear before the trial Court on 13.09.2023 and except on 13.09.2023, he was regularly appearing before the trial Court. However, the trial Court, without considering the said fact, has issued Non-Bailable warrant against the petitioner, pursuant to which, the petitioner was remanded to judicial custody on 13.09.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that this is the third application for bail and the earlier applications filed by the petitioner in Crl.O.P(MD).Nos.20330 of 2023 and 486 of 2024 were dismissed by this Court on 21.12.2023 and 11.01.2024 and apart from this case, seven previous cases are pending against the petitioner.

5. In reply to the same, the learned counsel appearing for the petitioner



submits that the previous cases pending against the petitioner are not heinous offences.

6. Heard the learned counsel on either side.

7. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner and the fact that the previous cases pending against the petitioner are not heinous offences, 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 Court No.III, Tirunelveli, 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 Court No.III, Tirunelveli for every day, until the disposal of the case in S.C.No.222 of 2022;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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trial;

(d)the petitioner shall not abscond either during investigation or
(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/-
26/02/2024

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26/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

1.The III Additional Sessions Judge,
Tirunelveli.



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2.The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.

3.The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli District.

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

ORDER
IN
CRL OP(MD) No.2906 of 2024
Date :26/02/2024

ED/ /SAR- (26/02/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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