



CRL OP(MD). No.3672 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Edison Anwar

... Petitioner/ Accused No.4

Vs

State represented by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
Crime No.1245 of 2020.

... Respondent/Complainant

For Petitioner : Mr.P.Manikandan,
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.103 of 2021, pending on the file of the learned Additional District an Sessions Judge, Dindigul.

ORDER : The Court made the following order :-

The petitioner /accused No.4, who was arrested and remanded to judicial



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custody on 13.10.2023 on execution of Non-Bailable Warrant issued by the learned Additional District and Sessions Judge, Dindigul, for the offences punishable under Sections 120B, 341, 302, 506(ii) IPC r/w. 34 IPC @ 120(B), 341, 302, 506(ii) IPC r/w. 34 and 109 IPC in S.C.No.103 of 2021, seeks bail.

2. The case of the prosecution is that on 18.11.2020 at about 10.40 p.m., the deceased and another person walked in the road, at that time, the unidentified accused persons came to the occurrence spot with deadly weapons, attacked the deceased person on his backside of the head and left hand wrist repeatedly with the weapons and also caused death of the deceased. Hence, the complaint. Thereafter, a complaint was lodged and FIR in Crime No.1245 of 2020 was registered by the respondent Police and the petitioner was arrested and remanded to judicial custody. Thereafter, he enlarged on bail and subsequently the Law Enforcing Authority, after completing the investigation, a Charge Sheet was filed before the learned Additional District and Sessions Judge, Dindigul. Due to non-appearance of the petitioner, the trial Court issued non-bailable warrant, pursuant to which, the petitioner was arrested and remanded to judicial custody on 13.10.2023.



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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 and he has been falsely implicated in this case. He would further submit that the petitioner co-operated with the trial proceedings in all hearings and due to non-appearance on 13.09.2023, Non bailable warrant was issued against the petitioner. So, he was arrested and remanded to judicial custody on 13.10.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the earlier bail application filed by the petitioner was dismissed by the concerned Court considering the previous conduct of the petitioner. If he is released on bail, he may abscond and there will be no progress in the trial. Hence, he vehemently objected to grant bail to the petitioner.

5. Heard the learned counsels on either side.

6. Considering the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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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 Judicial Magistrate No.I, 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 learned Additional District and Sessions Judge, Dindigul, 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 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

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Section 229-A IPC.

sd/-

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07/03/2024

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

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.1
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, DINDIGUL.
- 4 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION, DINDIGUL.
- 5 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.3672 of 2024
Date :07/03/2024

SS/SAR- /07/03/2024/6P/7C

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