



CRL OP(MD). No.4229 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Prakash,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Pasupathipalayam Police Station,
Karur.
Cr.No.82/2018.

... Respondent/Complainant

For Petitioner : Mr.S.Vinothkumar, 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.19 of 2022, pending on the file of the learned Principal and District Sessions Judge, Karur District in Crime No. 82 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who is facing trial for the offences punishable under Sections 302, 120(b), 109 and 364 IPC in S.C.No.19 of 2022, pending on the file

<https://www.mhc.tn.gov.in/judis>



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of the learned Principal District and Sessions Judge, Karur District in Crime No.82 of 2018, seeks bail.

2. The case of the prosecution is that due to his absence, the learned learned Principal District and Sessions Judge, Karur District has issued NBW to the petitioner herein.

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 due to his non-appearance, Non Bailable Warrant has been issued against the petitioner and the petitioner has voluntarily surrendered on 03.02.2024. 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 prays for bail.

4. The learned Additional Public Prosecutor vehemently opposed for grant of bail to the petitioner.

5. It appears that the petitioner was unable to appear before the concerned Court and pursuant to the non bailable warrant, he was voluntarily surrendered on 03.02.2024.

6. 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



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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 suffered by the petitioner, 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 Judicial Magistrate No.I, Karur 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.19 of 2022, failing which, the bail granted by this Court shall stand automatically cancelled;

(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



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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/-
21/03/2024

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21/03 /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KARUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, KARUR.
- 4 THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION, KARUR.



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

COPY TO

THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, KARUR.

+1 CC to M/s.B.VINOTHKUMAR, Advocate (SR-3459[I] dated 21/03/2024)

ORDER

IN

CRL OP(MD) No.4229 of 2024

Date :21/03/2024

PKP/21.03.2024/ 5P/ 8C

Madurai Bench of Madras High Court is issuing certified
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