



CRL OP(MD).No.5134 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5134 of 2024

Nagaraj

... Petitioner/ Accuse No.5

Versus

State through
The Inspector of Police,
Ambadurai Police Station,
Dindigul District.
(Crime No.36 of 2021)

...Respondent/ Complainant

For Petitioner : Mr.R.Venkatesan, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.36 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime



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No.36 of 2021 for the offence under Section 174 Cr.P.C. altered into Section 306 IPC and remanded him into judicial custody on 21.02.2024. In this case, a charge sheet has been filed before the learned Judicial Magistrate, Additional Mahila Court, Dindigul and the same is pending in PRC No.11 of 2011. The petitioner, due to ill-health, could not appear before the Court for hearing on 03.02.2024. Though he filed an application under Section 317 Cr.P.C., the learned Judicial Magistrate, Additional Mahila Court, Dindigul, dismissed the said application and issued a Non-Bailable Warrant, based on which, he was secured on 21.02.2024. Therefore, he has filed this petition seeking bail.

2. The learned counsel for the petitioner submits that due to ill-health, the petitioner could not appear before the Court for hearing on 03.02.2024. Further, the petitioner has also filed an application under Section 317 Cr.P.C and the same was dismissed by the Court and NBW was issued. The petitioner also undertakes that he will appear before the Court regularly without filing any application to dispense with his personal appearance.

3. The learned Additional Public Prosecutor submits that due to non-appearance of the petitioner, Non-Bailable Warrant was issued by the Court, based on which, he was arrested on 21.02.2024.

4. Considering the facts and circumstances of the case, the period of



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incarceration and also considering the undertaking given by the petitioner that he will appear before the trial Court regularly without filing any application to dispense with his personal appearance, this Court is inclined to grant bail to the petitioner.

5. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Dindigul.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall appear before the Trial Court in all the date of hearings till the conclusion of the trial. He has to co-operate for the trial.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.



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v) On violation of any of the above conditions by the petitioner,
the respondent police shall move an application for cancellation of the
bail.

sd/-
02/04/2024

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02/04/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

To

1.The Judicial Magistrate,
Additional Mahila Court,
Dindigul.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Ambadurai Police Station,
Dindigul District.

4.The Officer Incharge,
Sub Jail, Dindigul.

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

+1 CC to M/s.R.VENKATESAN, Advocate (SR-4067[I] dated 02/04/2024)



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ORDER

IN

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Date :02/04/2024

ED/ /SAR- (02/04/2024) 5P / 7C

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