



CRL OP(MD). No.9011 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9011 of 2024

Sudalaimuthu

... Petitioner/7th Accused

Vs

The Sub Inspector of Police,
Jaihindpuram Police Station,
Madurai.

Crime No.762/2014.

... Respondent/Complainant

For Petitioner : M/s.Karunanithi.M,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the petitioner on bail in connection with SC.No.220/2019 on the file of the IV Additional Sessions Judge, Madurai.



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ORDER : The Court made the following order :-

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The petitioner/ A7, who is facing a case for the offence under Sections 147, 148, 120(B), 109, 302 and 149 of IPC, in S.C.No.220 of 2019 on the file of the IV Additional Sessions Judge, Madurai, in crime No.762 of 2014 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in S.C.No.220 of 2019 before the IV Additional Sessions Judge, Madurai. Therefore, Non-Bailable Warrant came to be and the same was executed on 19.06.2023. Hence, the petitioner filed a bail petition in Crl.OP(MD)No.20237 of 2023 and the same was dismissed on 03.01.2024. However, this Court directed the IV Additional Sessions Judge, Madurai, to complete the trial and dispose of S.C.No.220 of 2019 within a period of four months from the date of receipt of a copy of the order. Hence, the petitioner filed this petition.

3.The learned counsel appearing for the petitioner would submit that due to his health condition, he has not appeared before the IV Additional Sessions Judge, Madurai. Therefore, Non-Bailable Warrant was issued against him and he was arrested and remanded to judicial custody on 19.06.2023. Hence, he prays for bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) would submit that the investigation has been completed and the charge sheet has already been filed before the IV Additional Sessions Judge, Madurai, and the case is pending for trial. The petitioner is having 5 previous cases including 302 IPC cases. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the fact that the case is pending for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 IV Additional Sessions Judge, Madurai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;



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(ii)the petitioner shall appear before the trial Court for each and every hearing dates;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter abscond, a fresh FIR can be registration under Section 229A IPC.

7. The IV Additional Sessions Judge, Madurai, is directed to dispose of

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



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S.C.No.220 of 2019 within a period of one month from the date of receipt of a copy of
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this order.

sd/-
02/07/2024

/ TRUE COPY /

02/07/2024
Sub-Assistant Registrar (W)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. THE IV ADDITIONAL SESSIONS JUDGE, MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE SUB INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9011 of 2024
Date :02/07/2024

RK/ (02/07/2024) 5P / 5C

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