



CRL OP(MD). No.7813 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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R.James,

... Petitioner/ Accused 1

Vs

The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
(Crime No.785 of 2021).

... Respondent/ Complainant

For Petitioner : Mr.S.MANOJKUMAR,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- To enlarge the petitioner on bail in S.C.No.44 of 2024 pending on the file of the learned II Additional Subordinate Judge, Pattukottai in Crime No.785 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is an accused in S.C.No.44 of 2024 on the file of the learned II Additional Subordinate Judge, Pattukottai, has filed this application seeking bail.

The said case was registered for the offence under Sections 25(1A) of Arms Act, 1959

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



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in Crime No.785 of 2021 on the file of the respondent police.

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2.Initially, the case was charge sheeted before the learned Judicial Magistrate, Pattukottai, in P.R.C.No.24 of 2021 dated 18.10.2021 and after the committal proceedings, the case is pending before the learned II Additional Subordinate Judge, Pattukottai, in S.C.No.44 of 2024. When the case was posted for trial, the petitioner appears to have absconded on 07.09.2023 and therefore, a Non-Bailable Warrant was issued against him and he was arrested only on 19.02.2024.

3.The learned counsel appearing for the petitioner submits that the petitioner was remanded in another case during the relevant period and therefore, he could not appear before the concerned Court. Though the petitioner was in jail, the respondent police has not intimated the Court and therefore, Non-Bailable Warrant of arrest was issued against him. According to him, it is neither willful nor wanton and the investigation agency has failed to produce the petitioner before the trial Court.

4.The learned Additional Public Prosecutor for the respondent has raised serious objections and submits that apart from this case, the petitioner has involved in twenty previous cases.

5.This Court considered the rival submissions made on either side.

6.As on the date of issuance of the Non-Bailable Warrant of arrest in S.C.No.44 of 2024, the petitioner has not absconded and in fact, remanded in another case.



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However, this Court is not inclined to grant bail considering his antecedents. The wife of the petitioner has given assurance that the petitioner will not indulge in any offence in future and he will co-operate for the trial in all the cases which are pending against him and she has also filed an undertaking affidavit to that effect.

7.Considering the undertaking affidavit filed by the wife of the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

8.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:-

- i) The petitioner shall execute 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, Pattukottai;
- 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 report before the trial Court in all hearing dates without fail; Further, the petitioner shall file an undertaking before the concerned Court that he will not indulge in any offence in future and he will ensure that he will be available for the trial in all the



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future hearing dates;

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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. The petitioner shall be available for the trial as well.

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/-
10/06/2024

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10/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE II ADDITIONAL SUBORDINATE JUDGE,
PATTUKOTTAI.

2 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.



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5 THE INSPECTOR OF POLICE,
PATTUKKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.S.MANOJKUMAR, Advocate (SR-6285[I] dated 10/06/2024)

ORDER
IN
CRL OP(MD) No.7813 of 2024
Date :10/06/2024

SA/SAR. /10.06.2024/5P/8C

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