



CRL OP(MD). No.10591 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.10591 of 2024

Backiyaraj

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.
(Crime No. 52/2012.)

... Respondent/Complainant

For Petitioner : M/s.D.Rameshkumar, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner / Accused on bail in connection with the case in S.C No. 7/2015 on the file of the Sessions Judge, Mahila court (FAC) Pudukkottai in Crime No. 52 of 2012 in pending investigation on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is facing a case for the offence under Section 174 @ 449, 302, 394 and 201 of IPC, in S.C No. 7/2015 on the file of the Sessions Judge, Mahila court (FAC) Pudukkottai, in crime No. 52 of 2012 on the file of the respondent police, seeks bail.



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2.The petitioner was absent during the trial in S.C No. 7/2015 on the file of the Sessions Judge, Mahila court (FAC) Pudukkottai. Therefore, Non-Bailable Warrant came to be issued on 06.03.2023 and the same was executed on 19.12.2023. Hence, the petitioner filed a bail petition in CrI.OP(MD)No.914 of 2024 and the same was dismissed on 22.01.2024. 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 Sessions Judge, Mahila court (FAC) Pudukkottai. Therefore, Non-Bailable Warrant was issued against him on 06.03.2023 and he was arrested and remanded to judicial custody on 19.12.2023. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that totally 20 witnesses in this case and all the witnesses have been examined and the case is pending for trial.

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 Sessions Judge/Mahila Court, Pudukkottai.



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(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;

(ii) the petitioner shall appear before the trial Court for each and every hearing dates without fail;

(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.

sd/-
16/07/2024

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16/07/2024
Sub-Assistant Registrar (A.E)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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To

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1.The Sessions Judge,
Mahila Court, Pudukkottai.

2.The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.

3.The Officer Incharge,
District Prison, Pudukkottai.

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

ORDER

IN

CRL OP(MD) No.10591 of 2024

Date :16/07/2024

ED/ /SAR- (16/07/2024) 4P / 5C

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