



CRL OP(MD). No.11200 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

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

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Prem @ Kannan,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
Crime No.291 of 2018.

... Respondent/ Complainant

For Petitioner : Mr.S.Sivaprakash,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :- This Petition is filed to enlarge the petitioner on bail on the non bailable Warrant issued against him in P.R.C.No.59 of 2022 in Crime no.291 of 2018 on the file of the Respondent/Complainant police by allowing this application and thus render justice on the file of the learned Judicial Magistrate No.II, Ramanathapuram, Ramanathapuram District by allowing this application.

ORDER : The Court made the following order :-

The petitioner/ Accused, who is facing a case for the offence under Sections 53 of



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TNPPDL Act, in P.R.C.No.59 of 2022, on the file of the Judicial Magistrate No.II, Ramanathapuram, in Crime No.291 of 2018 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the committal P.R.C.No.59 of 2022, before the file of the Judicial Magistrate No.II, Ramanathapuram. Therefore, Non-Bailable Warrant came to be issued on 11.06.2024 and the same was executed on 28.06.2024 and he is still in judicial custody.

3.The learned counsel appearing for the petitioner would submit that the petitioner belongs to remote village and also a seasonal worker. Due to failure of communication of the petitioner, he did not appear before the Judicial Magistrate No.II, Ramanathapuram. Therefore, Non-Bailable Warrant was issued against him on 11.06.2024 and he was arrested and remanded in judicial custody on 28.06.2024. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the investigation has been completed and the charge sheet has already been filed before the Judicial Magistrate No.II, Ramanathapuram, and the case is pending for committal. Hence,

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



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he strongly opposed to grant bail to the petitioner.

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5.Considering the period of incarceration and also considering the fact that the case is pending for committal, 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 Judicial Magistrate No.II, Ramanathapuram.

(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 report before the Judicial Magistrate No.II, Ramanathapuram, on every hearing date without fail.

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

(iv)the petitioner shall not abscond during trial.



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(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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/07/2024

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23/07/2024
Sub-Assistant Registrar (LIASONING)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

1. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3.THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,RAMANATHAPURAM DISTRICT.



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4.THE OFFICER IN CHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.

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

+1 CC to M/s.S.SIVA PRAKASH, Advocate (SR-8365[I] dated 23/07/2024)

ORDER
IN
CRL OP(MD) No.11200 of 2024
Date :23/07/2024

RK/ (23/07/2024) 5P / 7C

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