



CRL OP(MD). No.12274 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12274 of 2024

Haribalaji,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
Crime No. 454/2023.

... Respondent/Complainant

For Petitioner : Mr.V.Vishnu,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioner on bail in C.C.No. 788/2023 on the file of
Judicial Magistrate No.1 Kumbakonam.

ORDER : The Court made the following order :-

This Petition is filed to enlarge the petitioner on bail in C.C.No. 788/2023 on
the file of Judicial Magistrate No.1, Kumbakonam.



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2. The petitioner/ Accused, who was arrested and remanded to judicial custody on 04.07.2024 for the offences punishable under Section 392 I.P.C, in crime No.454 of 2023 on the file of the respondent police, seeks bail.

3. Earlier the petitioner was granted bail in Crime No.454 of 2023 and in C.C., stage he absconded. After filing charge sheet the same was numbered in C.C.No.788 of 2023. Due to severe fever, he was not able to attend the Court, hence, the trial Court, has issued non bailable warrant and he was arrested on 04.07.2024.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 04.07.2024, hence he may be enlarged on bail.

5.The learned Additional Public Prosecutor would submit that due to non appearance of the petitioner before the trial Court, non bailable warrant has been issued and the petitioner is having four previous cases. Hence, he strongly opposed to grant bail.



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6.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 learned Judicial Magistrate No.1, Kumbakonam.

(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 trial Court daily at 10.30 a.m., 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].

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/07/2024

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01/08/2024
Sub-Assistant Registrar()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KUMBAKONAM POLICE STATION,
THANJAVUR DISTRICT.



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4 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.

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

ORDER

IN

CRL OP(MD) No.12274 of 2024

Date :31/07/2024

SS/SAR- /01/08/2024/5P/6C

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