



CRL OP(MD). No.12439 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2024

PRESENT

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

CRL OP(MD). No.12439 of 2024

Asari Mani @ Manikandan,

... Petitioner/ Accused No.6

Vs

The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
Cr.No.83 of 2017.

... Respondent/ Complainant

For Petitioner : G.Vishnuram,
Advocate.

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

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

PRAYER :-

C-8B. To enlarge the petitioner / accused on bail in connection with the case in PRC No.17 of 2021 on the file of the District Munsif cum Judicial Magistrate, Kamuthi in Crime No.83 of 2017 on the file of the respondent police



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ORDER: The Court made the following order :-

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The petitioner/ accused, who was arrested and remanded to judicial custody issuance of NBW by the learned District Munsif - Cum - Judicial Magistrate, Kamuthi in PRC.No.83 of 2017, on 25.06.2024 for the offences punishable under Sections 147, 148, 120(B), 294(b), 353 and 307 IPC, in Crime No.83 of 2017 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner would submit that due to the unaware of the case proceedings, the petitioner has not appeared and his absence is neither wilful nor wanton. However, he would further submit that the petitioner shall abide any condition imposed by this Court.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that the offence is of the year 2017. Because of the non appearance of the petitioner NBW was issued and hence, he strongly opposed to grant bail to the petitioner.

4.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 subject to the following conditions:

5.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



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Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif – Cum - Judicial Magistrate, Kamuthi.

(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 concerned Court on each and every hearing date 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].



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

sd/-
01/08/2024

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

trp

TO

1. District Munsif-Cum-Judicial Magistrate,
Kamuthi.
2. Do-Through:
The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Superintendent,
District Prison,
Ramanathapuram.
4. The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
Cr.No.83 of 2017.



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

ORDER
IN
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SL(01.08.2024)/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.