



CRL OP(MD). No.15092 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15092 of 2024

M.Prabhu,

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kottar Police Station,Nagercoil,
Kanyakumari District.
(Crime No. 1011/ 2020).

... Respondent/Complainant

For Petitioner : Mr.A.Balaji,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner/ Accused No.2 on bail in Crime No. 1011 of 2020 on the file of the Respondent Police in Connection with S.C.No. 116 of 2021 on the file of the Additional Sessions Court (Fast Track Court) Kanyakumari at Nagercoil.



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ORDER : The Court made the following order :-

The petitioner/ A2, who is facing a case for the offence under Sections 302, 392, 449 r/w Section 34 of IPC, in S.C.No. 116 of 2021 on the file of the Additional Sessions Court (Fast Track Court) Kanyakumari at Nagercoil, in Crime No. 1011 of 2020 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in S.C.No.116 of 2021 on the file of the Additional Sessions Court (Fast Track Court) Kanyakumari at Nagercoil. Therefore, Non-Bailable Warrant came to be issued on 25.08.2023 and the same was executed on 14.10.2023 and from onwards, he is in judicial custody.

3.Heard both sides.

4. Considering the nature of the case that the first accused in this case has since died and the petitioner/ A2 is the sole accused, who is facing the case, and due to jumping out of bail, non bailable warrant was executed against him, and he is in custody from 14.10.2023, and also considering the fact that still the trial has not been opened, I am of the view that it is a fit case to enlarge the petitioner on bail subject to the following conditions:



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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 Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Additional Sessions Court (Fast Track Court), Kanyakumari at Nagercoil.

(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 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

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

sd/-

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11/09/2024

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

DSS

TO

- 1 THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL..
- 3 THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC TO Mr.A.Balaji, ADVOCATE IN SR No.15092 dated 13/09/2024

ORDER
IN
CRL OP(MD) No.15092 of 2024
Date :11/09/2024

SS/SAR- /11/09/2024/5P/6C

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