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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18554 of 2024

Sekar, ... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep By, the Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
(In Crime No.57 of 2017). ... Respondent/Complainant

For Petitioner : Mr.A.Robinson,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To release the Petitioner on bail relating to the case in P.R.C.No.15 of 2019 on the file of the Judicial Magistrate Court, Tiruchendur, in Crime No.57 of 2017 on the file of the Respondent Police.

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ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is facing a case for the offence under Sections 294(b), 307 and 506(ii) of IPC, in P.R.C.No.15 of 2019 on the file of the Judicial Magistrate Court, Tiruchendur, in Crime No.57 of 2017 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in P.R.C.No.15 of 2019 on the file of the Judicial Magistrate Court, Tiruchendur. Therefore, Non-Bailable Warrant came to be issued on 07.07.2023 and the same was executed on 07.09.2024. From onwards, he is in judicial custody. Hence, the petition.

3. Heard both sides.

4.Considering the nature of the allegations in this case that the petitioner is said to have attacked the defacto complainant and caused grievous injuries and considering the fact that the crime is of the year 2017 and when the summon was sought to be served in the sessions case, the petitioner did not turn up and therefore, Non-bailable Warrant came to be issued and considering the argument of the learned counsel for the petitioner that the petitioner is currently residing in

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Chitlapakkam, Kanchipuram District. However, the summon was not served in that address and considering the fact that the petitioner is in prison from 07.09.2024, this Court is inclined to grant bail to the petitioner on certain 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 Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court, Tiruchendur, Thoothukudi District.

(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 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.

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

sd/-
28/10/2024

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28/10/2024

Sub-Assistant Registrar
( C.S. I / II / III / IV )
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE
TIRUCHENDUR, THOOTHUKUDI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

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3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI DISTRICT..

4 THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.A.ROBINSON, Advocate ( SR-13288[I] dated 28/10/2024 )

ORDER
IN
CRL OP(MD) No.18554 of 2024
Date :28/10/2024

SS/SAR- /28/10/2024/ 5P/7C

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