



CRL OP(MD). No.22312 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.22312 of 2023

Francis

... Petitioner/Petitioner/ Accused No.3

Vs

State represented by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
Crime No.1908 of 2020

... Respondent/Respondent/ Complainant

For Petitioner : Mr.M.Suresh,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in connection with S.C.No.125/2021 on the file of the learned Additional District and Sessions Judge, Dindigul.



CRL OP(MD). No.22312 of 2023

WEB COPY

ORDER : The Court made the following order :-

The petitioner /accused No.3, who is facing trial for the offence punishable under Sections 120(B), 147, 148, 149, 302 and 506(ii) IPC in S.C.No.125 of 2021 on the file of the learned Additional District and Sessions Judge, Dindigul in Crime No.1908 of 2020, seeks bail.

2. The case of the prosecution is that on 15.11.2021, the petitioner has not appeared before the trial Court and therefore, Non-bailable warrant was issued against the petitioner, pursuant to which, the petitioner was arrested and remanded to judicial custody on 13.10.2023 .

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that on 15.11.2021, due to illness, the petitioner has not appeared before the trial Court, however, the trial Court, without considering the said fact, has issued Non-bailable warrant against the petitioner and on 13.10.2023, the petitioner voluntarily surrendered before the trial Court and filed a petition to recall the NBW warrant. But the trial Court dismissed the



CRL OP(MD). No.22312 of 2023

petition and remanded the petitioner into judicial custody on the same day. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, yet another case is pending against the petitioner and if the petitioner is enlarged on bail, it will affect the trial.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. 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 learned Additional District and Sessions Judge, Dindigul, and on further conditions that:



CRL OP(MD). No.22312 of 2023

WEB COPY

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the concerned trial Court for every day till the disposal of the case in S.C.No.125 of 2021;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]; and;



CRL OP(MD). No.22312 of 2023

WEB COPY
229-A IPC.

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

sd/-
07/02/2024

/ TRUE COPY /

07/02/2024

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

ssb
TO

1. The Additional District and Sessions Judge, Dindigul.
2. The Officer Incharge,
District Prison, Dindigul.
3. The Inspector of Police,
Dindigul Town South Police Station,
Dindigul.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SURESH, Advocate (SR-1537[I] dated 07/02/2024)

ORDER
IN

CRL OP(MD) No.22312 of 2023
Date :07/02/2024

SSA//SAR-(07.02.2024) 5P 6C

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