



CRL OP(MD). No.23617 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.23617 of 2023

Karikalan

... Petitioner/ Accused

Vs

The Inspector of Police,
Pattukkottai Taluk Police Station,
Thanjavur District.
Crime No.420 of 2005.

... Respondent/ Complainant

For Petitioner : Mr.K.Mahendran, 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 S.C.No.301 of (*)2013, pending on the file of the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 15.08.2023 on execution of Non-Bailable Warrant issued by the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai, for the offences punishable under Sections 147, 148, 302, 149, 120 and 109 in S.C.No.301 of (*)2013,

seeks bail

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2.The petitioner was absent during the trial in S.C.No.301 of (*)2013 on 31.03.2021 pending on the file of the III Additional District and Sessions Judge, Thanjavur at Pattukottai. Thereby, Non Bailable Warrant came to be issued on 31.03.2021. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 15.08.2023.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. The petitioner has appeared before the Court till March 2021. Thereafter due to avocations, the petitioner went to Mumbai and the progress of the case was not intimated to him. When the petitioner returned to his native place, the respondent police executed the non bailable warrant on 15.08.2023. The learned counsel undertakes that the petitioner shall appear before the court below regularly on all future hearing dates without fail. Hence, he prays for grant of bail to the petitioner.

4.Heard the learned Additional Public Prosecutor appearing for the State would submit that the non bailable warrant was issued in the year 2021 and he was secured in the year 2023. If he is enlarged on bail, there will no progress in the trial process. Hence, he vehemently, opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the undertaking given by the petitioner that the petitioner shall appear before the court below



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regularly on all future hearing dates without fail, I am inclined to grant bail to the petitioner. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai. and on further condition that:

(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 learned learned III Additional District and Sessions Judge, Thanjavur at Pattukottai, on each and every hearing date, failing which, the bail granted to the petitioner by this Court shall stand automatically vacated.

(c) the petitioner shall report before the trial court daily at 10.30 a.m until the case is committed to the Court of sessions;

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

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

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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;

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

6.The learned III Additional District and Sessions Judge, Thanjavur at Pattukottai, is directed to complete the trial in S.C.No.301 of (*)2013 within a period of 6 months from the date of receipt of a copy of this order.

sd/-
09/01/2024

**(*) AMENDED AS PER ORDER OF THE COURT
DATED 22.01.2024 IN CRL MP(MD).530/24 IN CRL OP
(MD).23617/2023.**

/ TRUE COPY /

09/01/2024

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

dss
TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 09/01/2024 ALREADY
DESPATCHED**

1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR @ PATTUKKOTTAI.

2 THE INSPECTOR OF POLICE, PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.

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3 THE SUPERINTENDENT, CENTRAL PRISON, PUDUKKOTTAI.

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

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-897[I] dated 23/01/2024)

ORDER

IN

CRL OP(MD) No.23617 of 2023

Date :09/01/2024

RS//SAR-(09.01.2024) 5P 6C

SSB

SS/GS/SAR - /30/01/2024/5P 6C

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