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CRL OP(MD). N



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

Date : 30/09/2022

PRESENT

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

CRL OP(MD). No.17559 of 2022

Premkumar

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
East Police Station,
Thanjavur District
(Crime No.85 of 2018)

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

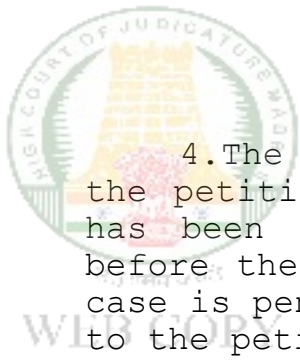
PRAYER :-To enlarge the petitioner on bail in S.C.No.05 of 2019 on the file of the learned Principal Subordinate Judge, Thanjavur in Crime No.85 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who is facing a case for the offence punishable under Section 399 IPC in S.C.No.05 of 2019 on the file of the learned Principal Subordinate Judge, Thanjavur in crime No.85 of 2018 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in S.C.No.05 of 2019 before the learned Principal Subordinate Judge, Thanjavur. Therefore, Non-Bailable Warrant came to be issued on 02.08.2022 and the same was executed on 12.09.2022 and he is still in judicial custody.

3.The learned counsel for the appearing for the petitioner would submit that due to illness, the petitioner could not appear before the learned Principal Subordinate Judge, Thanjavur and therefore, Non-Bailable Warrant was issued against him on 02.08.2022. He would further submit that the act of the petitioner is in judicial custody from 12.09.2022 and prays for bail to the



4.The learned Additional Public Prosecutor would submit that the petitioner is having four previous cases and the investigation has been completed and the charge sheet has already been filed before the learned Principal Subordinate Judge, Thanjavur and the case is pending for trial. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the above facts and circumstances of the case and also the facts that the petitioner are in judicial custody from 12.09.2022 and the case is pending for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 Chief Judicial Magistrate No.1, Thanjavur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/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 on all hearing dates at 10.30 a.m., 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 Sessions Judge/concerned 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 Sessions Judge/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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

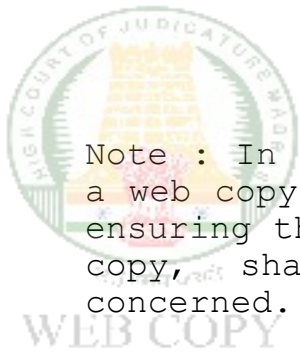
sd/-

30/09/2022

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30/09/2022

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE PRINCIPAL SUBORDINATE JUDGE,
THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.
- 3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.
- 5 THE INSPECTOR OF POLICE
EAST POLICE STATION, THANJAVUR DISTRICT
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17559 of 2022
Date :30/09/2022

SJI
MK/SBN/SAR.II/30.09.2022/3P/7C