



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

Thursday, the Twentieth day of December Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP (MD) No.22067 of 2018

RAMESH

... PETITIONER /1<sup>st</sup> ACCUSED

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
WEST POLICE STATION,  
THANJAVUR,  
THANJAVUR DISTRICT.  
(CRIME NO.40/2014)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.SATHISH BABU, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

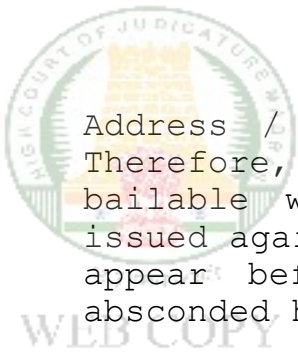
For Intervenor : Mr.C.MAYILVAHANA RAJENDRAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is A1 in C.C.No.59 of 2014, was arrested by the respondent police on 02.12.2018, for the offences punishable under Sections 294(b), 324 & 506(ii) of IPC., in Crime No.40 of 2014, on the file of the respondent Police, on the strength of 'Look-out Circular' issued by respondent, seeks bail.

2. The case of the prosecution is that the petitioner and two others on 31.01.2014, at midnight, had called the defacto complainant / brother of estranged wife, for compromise talk and thereafter, the defacto complainant was threatened and assaulted for which, a case came to be registered. Subsequently, the petitioner was arrested and he had obtained bail on 11.02.2014, before the learned Principal Sessions Judge, Thanjavur and as per the bail conditions, the petitioner had to file an affidavit before the Magistrate by giving an undertaking to appear before the Court regularly, and also by giving details of his residential address at Singapore, the name of his employer and his employment address. On completion of investigation, charge sheet was filed in C.C.No.59 of 2014. Despite the best efforts, summons could not be served to the petitioner. The summons were returned with an endorsement "No Such

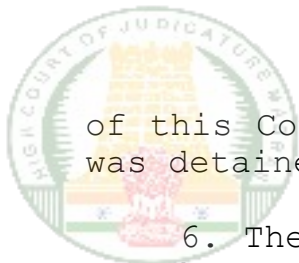


Address / Company" from Singapore, by the Consulate Authorities. Therefore, bailable warrant was issued and subsequent to that non-bailable warrant was issued. Finally 'Look-out Circular' was issued against the petitioner and the petitioner has been evading to appear before the trial Court from the year 2004 and hence, absconded himself.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a permanent resident of Singapore as well as his wife / Anu Radha. They have a female child. They had some dispute and matrimonial cases are there in Singapore. The petitioner had been falsely implicated in this case. Further, an yet another case has been filed in Crime No.55 of 2013, for offence under Sections 294(b), 341, 324 and 506(ii) of IPC., r/w Section 3 (1) PPDL Act, 120(b), 363, 511 and 109 of IPC. The petitioner had been arrayed as an accused along with four others. This case, on completion of investigation, charge sheet had been filed, which is pending committal in PRC.No.17 of 2014, before the learned Judicial Magistrate No.1, Thanjavur. In this case also, the petitioner had obtained bail. Thereafter, summons could not be served and 'Look-out Circular' was issued. The petitioner challenged the 'Look-out Circular' issued in Crime No.55 of 2013, before this Court in CrI.O.P(MD)No.553 of 2014 and on 04.05.2017, this Court directed the respondent to withdraw the 'Look Out Circular' issued against the petitioner, within a stipulated time and directed the petitioner to surrender his Passport before the learned Judicial Magistrate No.1, Thanjavur. Subsequently, the 'Look Out Circular' was withdrawn, on 04.05.2017.

4. Continuing further, the learned counsel would submit that the petitioner had moved an application in CrI.M.P.(MD)No.6859 of 2018 in CrI.O.P.(MD)No.553 of 2014 and this Court, by an order dated 26.09.2018, had modified the order passed in the said CrI.O.P.(MD) No.553 of 2014, to the effect that the petitioner to deposit his Passport before the learned Judicial Magistrate, on or before 07.12.2018 and directed the Magistrate to complete the committal proceedings in P.R.C.No.17 of 2014 on or before 21.12.2018. The petitioner in obedience to the order of this Court, to appear before the Judicial Magistrate No.II, Thanjavur had come from Singapore and he was detained by Emigration Officials at Tiruchirappalli Air Port, on 02.12.2018, handed over to the respondent Police and remanded in C.C.No.59 of 2014.

5. Adding further, he would submit that the petitioner had challenged the 'Look Out Circular' issued in Crime No.55 of 2013 and the same was cancelled after the orders of this Court in CrI.O.P(MD) No.553 of 2014. In all these proceedings, there was no whisper of pendency or yet another 'Look Out Circular' in Crime No.40 of 2014. Had it been made known to the petitioner, the petitioner could have approached this Court and would have cancelled the same. The petitioner, a permanent resident of Singapore, which is a known fact and employed in State employment there, in obedience to the order



of this Court, while he returned to submit himself to the Court, he was detained on 02.12.2018.

6. The learned counsel appearing for the intervener had filed a typed set and made his submission contending inter alia that there seems to be hatred and vengeance between the petitioner and his estranged wife and the dispute with regard to child guardianship, the petitioner did not submit to the Court. The petitioner is indulging in arm-twisting methods by employing his family members and his friends to snatch away the minor child and thereby, using force and assaulting the defacto complainant, his sister and the minor daughter. The petitioner taking advantage of his employment and permanent resident status in Singapore had been evading to submit to the Court from the year 2014 and the case is pending then on without any progress. If the petitioner is granted bail, he will not co-operate with the trial and the trial would be stalled for years.

7. The learned Government Advocate (crl.side) appearing for the State would submit that the petitioner was arrested by the respondent police on 02.12.2018, on the strength of 'Look-out Circular' issued by respondent. He would further submit that if the petitioner is released on bail, since he is the permanent resident of Singapore, he will flee away from the process of law. Therefore, he opposed for grant of bail to the petitioner.

8. I have heard the learned counsels appearing on either side and perused the materials available on record.

9. On perusal of the materials this Court is of the view that the petitioner has taken recourse through law and conveniently for the reasons best known, the 'Look Out Circular' issued in this case kept under wrap and the petitioner followed the process of law to set aside the 'Look Out Circular' issued in Crime No.55 of 2013 in obedience of the orders of this Court, while he landed in Tiruchirappalli Air-port, the petitioner was detained and thereafter, arrested in this case. As rightly pointed out by the counsel for the petitioner, the Look Out Circular was not made known to the petitioner. Further, the petitioner has filed an affidavit disclosing his employment, employer address and his residential address at Singapore and further undertaking to co-operate with the trial.

10. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions;

11. Accordingly, the petitioner is ordered to be released on bail on her 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 Judicial Magistrate No.I, Thanjavur, and on further condition that:



[a] the petitioner shall not tamper with evidence or witness either during trial.

[b] the petitioner shall not abscond during trial.

[c] 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]**.

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

[e] The petitioner shall appear before the trial Court regularly without fail in person or through his counsel

[f] Since this Court had already stipulated the conditions with regard to the petitioner's travel in Crl.O.P(MD)No.553 of 2014, no specific direction is required and the same to be followed in this case also.

sd/-

20/12/2018

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

TO

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

+1. CC to Mr.N.SATHISH BABU Advocate SR.No.101235  
+1CC TO Mr.C.MAYILVAHANA RAJENDRAN, Advocate, SR NO.23698

ORDER

IN

CRL OP(MD) No.22067 of 2018

Date :20/12/2018

**MS/PN-AC/SAR-3/20.12.2018/4P.8C**