



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

Friday, the Fourteenth day of December Two Thousand and Eighteen
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

WEB COPY

CRL OP (MD) No.22143 of 2018

M. MURUGESAN @ ULARUVAI

... PETITIONER / SOLE ACCUSED

Vs

STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION,
DINDIGUL.

(CRIME NO. 1549 OF 2010)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.CHANDRAKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner was arrested by the respondent police on 29.11.2018 pursuant to a Non-Bailable Warrant issued by the learned Judicial Magistrate No.III, Dindugul, dated 16.04.2016.

2.The learned counsel for the petitioner would submit that the case has been registered for the offence punishable under Sections 387, 506(ii) and 307 I.P.C. in Crime No.1549 of 2010. The case was charge sheeted and it was pending committal in P.R.C.No.5 of 2011, on the file of the learned Judicial Magistrate No.III, Dindugul. He would submit that the petitioner was originally released on bail and he was regularly appearing before the Court and the petitioner met with a major accident on 11.09.2011 and lost his right hand and right leg due to which, the petitioner was hospitalized in Government Rajaji Hospital, Madurai for a long time and he was unable to attend Court on 13.12.2014. Therefore, the learned Magistrate issued Non-Bailable Warrant against the petitioner and thereby, the petitioner was arrested on 29.11.2018. The petitioner has sustained 65% disability.

3.The learned counsel for the petitioner would submit that the petitioner undertakes to appear before the committal Court and thereafter, appear before the trial Court on all hearings without fail.

4.The learned Additional Public Prosecutor would submit that the case is of the year 2011 and the due to abscondance of the petitioner they were unable to commit the case and hence, he opposed the grant of bail to the petitioner.



5. Taking into consideration the facts of the case and the submission made on either side, I am inclined to grant bail to the petitioner.

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 Judicial Magistrate No.III, Dindugul, and on further condition that:

[a] the petitioner shall appear before the committal Court every day at 10.30 a.m., until committal and thereafter, he shall appear before the trial Court on all hearing dates without fail.

[b] the petitioner shall not abscond during trial.

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

[d] 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].

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

sd/-

14/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, DINDIGUL.

2. DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3. THE OFFICER INCHARGE, DINDIGUL PRISON.

4. THE SUB INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION, DINDIGUL.

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

+1. CC to Mr.A.CHANDRAKUMAR Advocate SR.No.23302.

ORDER

IN

CRL OP(MD) No.22143 of 2018

Date :14/12/2018