



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

Friday, the First day of March Two Thousand Nineteen
PRESENT

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The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3241 of 2019

ULAGAMUTHU

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.12/2013

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.MUTHUPANDI, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner who was secured on 31.08.2018 and remanded to judicial custody on the same day, pursuant to the Non-bailable warrant issued by the learned I Additional District Judge, Thoothukudi in S.C.No.327 of 2018, for the offence under Sections 147, 148, 341, 307, 302, 109 and 506(ii) IPC in Cr.No.12 of 2013, on the file of the respondent police, seeks bail.

2.The petitioner was implicated for the major offence under Section 302 IPC. He was arrested and enlarged on bail and thereafter, the petitioner did not appear before the Court below and hence, the Court below issued Non-Bailable Warrant on 22.03.2018. Thereafter, he was secured by the Law Enforcing Agency on 31.08.2018 and remanded to judicial custody. Hence, the present bail application filed before this Court.

3.The learned counsel appearing for the petitioner would submit already the petitioner was enlarged on default bail by the concerned lower Court, however, due to ill health, he was unable to appear before the lower Court on that day. Accordingly, he prayed for bail. The learned counsel further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.

4.The learned Additional Public Prosecutor submits that except this case, the petitioner has no other previous cases. Hence, in



the event of the petitioner being enlarged on bail stringent conditions may be imposed on him.

5. Considering the nature of the case and period of incarceration, I am inclined to grant bail to the petitioner.

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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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Additional District Judge No.I, Thoothukudi 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 shall report before the learned Additional District Judge No.I, Thoothukudi, daily at 10.30 a.m. until further orders;

(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;

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

sd/-

01/03/2019

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

TO

1. THE ADDITIONAL DISTRICT JUDGE NO.I, THOOTHUKUDI.
2. THE INSPECTOR OF POLICE
SEITHUNGANALLUR POLICE STATION, THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.P.MUTHUPANDI Advocate SR.No.4146

ORDER IN

CRL OP(MD) No.3241 of 2019

Date : 01/03/2019