



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

Saturday, the Sixteenth day of March Two Thousand Nineteen

PRESENT

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP(MD) No.4144 of 2019

MUTHURAMALINGAM

... PETITIONER / ACCUSED A4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MANDALAMANICKAM POLICE STATION,
KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT.
(CRIME NO.40 OF 2013)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BHARATHI 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 is shown as the fourth accused in Crime No.40 of 2013 on the respondent police station, the offences alleged against the petitioner fall under Section 386, 379 of I.P.C., Section 3 of TNPPDL Act and Section 21(1) Mines and Mineral Act.

2.The respondent police have concluded their investigation and also filed the final report long back. The same was taken on file in P.R.C.No.23 of 2015 on the file of the learned Judicial Magistrate, Kamuthi.

3.It appears that due to the omission on the part of the petitioner to appear before the committal Court, NBW came to be issued against him in the year 2015. He had been abroad all these years and he returned only on 14.03.2019. He was arrested on 15.03.2019 and remanded to Sub Jail, Muthukulathur. The petitioner's mother has passed away today (16.03.2019). The

petitioner has to necessarily take part in the funeral ceremonies as the other son is presently abroad.

4.The learned Government Advocate (Criminal Side) opposes the grant of bail by referring to the long abscondence on the part of the petitioner. He would contend that on account of the abscondence on the part of the petitioner, the committal proceedings could not be concluded.

5.The learned counsel appearing for the petitioner on instructions states that he would co-operate for the speedy conclusion of the committal proceedings.

6.This Court posed a specific question to the Government counsel as to whether there are any bad antecedents, the Government Advocate replied that there is no other case pending against the petitioner.

7.Taking note of the special facts obtaining in this case, I am inclined to grant regular bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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, Kamuthi, on 20.03.2019.

(ii) the petitioner shall appear before the committal Court on the next hearing date and abide by the conditions that may be imposed by the committal Magistrate

(iii)the petitioner shall not abscond.

(iv)on breach of any of the aforesaid conditions, the 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 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]**.

8.Since the funeral ceremony is to take place tomorrow itself, this Court directs the Jailor of Sub Jail, Muthukulathur or which ever jail in which the petitioner is presently confined to release the petitioner straight away on production of this order.

9.The learned Government Advocate (criminal side) is directed to inform the Jail Authorities about the order passed by this Court. This Court is conscious that inmates are not released on bail after 6.00 p.m. But taking note of the special facts obtaining in this case, the Jailor is directed to let out the petitioner on bail on



production of the copy of this order. The petitioner is permitted to execute the sureties on 20.03.2019.

WEB COPY

sd/-
16/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
MANDALAMANICKAM POLICE STATION
KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT.
 4. THE OFFICER INCHARGE/JAILOR,
SUB JAIL,
MUDHUKULATHOOR, RAMANATHAPURAM DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.BHARATHI Advocate SR.No.5009

ORDER
IN
CRL OP(MD) No.4144 of 2019
Date :16/03/2019

LS
AE/BM/SAR-IV/16.03.2019/6P/7C