



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11037 of 2019

Muthuramalingam ... Petitioner/Accused rank not known

Vs

The State Rep.by its,
The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District .
(Crime No.231 of 2007).

... Respondent/Complainant

For Petitioner : M/s.M.S.Jeyakarthik,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

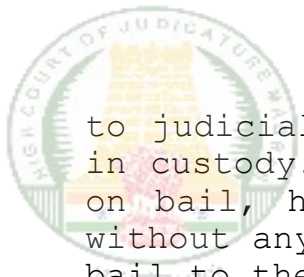
for Bail in Crime No.231 of 2007 on the file of the respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused rank not known seeking bail for the alleged offence punishable under Sections 148, 323, 324, 302, 34 and 149 of IPC in Crime No.231 of 2007.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that on 30.05.2018 absconding charge sheet was filed and based on the same Non Bailable Warrant issued and the said NBW was executed on 12.07.2019 and the petitioner was arrested and remanded



to judicial custody on 12.07.2019 and from that date onwards he is in custody. He further submitted that if the petitioner is released on bail, he will appear regularly before the concerned Magistrate without any deviation and hence, he prayed for grant of anticipatory bail to the petitioner.

WEB COPY

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that absconding charge sheet was filed and based on the same, NBW was issued on 12.07.2019 and subsequently he was arrested and remanded to judicial custody. He further submitted that if the petitioner is released on bail, he will not appear before the concerned Magistrate and the case will be kept pending and hence, he strongly opposed this petition.

5.Taking into consideration the submission made by the learned counsel for the petitioner that since absconding charge sheet was filed and based on the same NBW issued and also the fact that NBW has been executed and the petitioner was arrested and remanded to judicial custody on 12.07.2019, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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, Mudhukulathur;

[b]the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[c] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter as and when required for the interrogation;

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] 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].



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

WEB COPY

Sd/-
13/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
MUDHUKULATHUR.
 - 2.-DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE SUPERINTENDENT,
THE DISTRICT PRISON, RAMANATHAPURAM.
 - 4 THE INSPECTOR OF POLICE
MUTHUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.13432

ORDER
IN
CRL OP(MD) No.11037 of 2019
Date :13/08/2019

VSG
ES/PN/SAR 4/13.08.2019/3P/7C