



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

Friday, the Ninth day of July Two Thousand and Twenty One

PRESENT

**The Hon`ble Mr.Justice K.KALYANASUNDARAM**  
**and**  
**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL MP(MD) No.1188 of 2021  
IN CRL A(MD) No.453 of 2019

THANGARAJ

... PETITIONER/ACCUSED(SINGLE)

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE  
SAWYERPURAM POLICE STATION,  
THOOTHUKUDI DISTRICT.  
CRIME NO.191/2011

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the learned II Additional District Sessions Judge, Thoothukudi, Thoothukudi District in S.C.No.59 of 2016 vide his judgment dated 03.09.2019 pending the disposal of the main Criminal Appeal.

**PRAYER IN CRL A(MD) No.453 of 2019:**

To call for the entire records pertaining to the judgment delivered by the learned II Additional District Sessions Judge, Thoothukudi, Thoothukudi District in S.C.No.59 of 2016 vide his judgment dated 03.09.2019 and set aside the same and consequently acquit the appellant.

**Order :** This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.RAVI, Standing Counsel for Government on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by **B.PUGALENDHI, J.**]

This petition is filed by the petitioner / appellant, who was convicted and sentenced to undergo life imprisonment with a fine of Rs.1000/- for the offence under Section 302 IPC and to undergo three years rigorous imprisonment for the offence under Section 379 IPC, seeking suspension of sentence, pending the appeal.



2. Considering the nature of offence, ie., a case of murder for gain and that the earlier two applications filed for suspending the sentence were dismissed, this Court was not inclined to grant regular bail to the petitioner. However, considering the health condition of the petitioner that he is a diabetic patient and his left second toe has been amputated, this Court, by order dated 08.04.2021, has granted interim bail to the petitioner till 28.04.2021, with certain conditions, enabling him to get treatment in a private hospital. Subsequently, the said time limit was extended and the petitioner was directed to surrender before the Superintendent, Central Prison, Palayamkottai on 30.06.2021.

3. However, the petitioner did not comply with the said order and instead of surrendering before the Superintendent of Central Prison, Palayamkottai, he absconded from 01.07.2021. Learned Counsel appearing for the petitioner regretted for the same and withdrew his appearance. Thereafter, this Court, by order dated 01.07.2021, directed the Superintendent of Police to form a special team and to secure the petitioner.

4. Today, it is represented by the learned Standing Counsel for the State that the petitioner / accused was secured by the respondent Police at Chennai on 08.07.2021 and was lodged to the prison. Learned Standing Counsel further submitted that the Superintendent, Central Prison, Palayamkottai, has preferred a separate complaint before the Tuticorin South Police Station, in this regard and the same was registered in Cr.No.473 of 2021 for the offence under Section 229(A) IPC. The said statement stands recorded.

5. Considering the nature of offence, this Court dismissed the earlier two applications filed for suspending the sentence, holding that the petitioner was not entitled for bail. In fact, even in this application, this Court has rejected the claim for bail, but has granted interim bail only because of the health condition of the petitioner. Taking advantage of the same, the petitioner absconded and did not surrender before the authorities. On the directions of this Court, a special team has been formed by the Superintendent of Police and only thereafter, the petitioner was secured.

6. Such type of attitude on the part of the petitioner / accused needs to be deprecated. Therefore, this Court imposes a cost of Rs.25,000/- [Rupees Twenty Five Thousand only] on the petitioner, which shall be paid to the **Tamil Nadu Police Benevolent Fund** within a period of two weeks from the date of receipt of a copy of this order. The receipt for such payment shall be produced before this Court as well as before the Superintendent, Central Prison, Palayamkottai, without fail. In the event of non-payment of the cost or non-production of the receipt for payment, the Superintendent, Central Prison, Palayamkottai, is authorised to deduct the cost from



the petitioner's prison account and the balance amount, if any to be deducted, shall be deducted by following the revenue recovery proceedings.

7. Insofar as the case in Cr.No.473 of 2021 on the file of the Tuticorin South Police Station, the investigation agency is to find out the persons, who have aided and abetted the petitioner for absconding. The investigation agency is also expected to verify the medical records produced by the petitioner before this Court for the interim bail and verify its genuineness. The final report shall be filed within a period of three months from the date of receipt of a copy of this order and a copy of such report shall also be produced before this Court.

8. In the result, this petition stands closed. However, for compliance, post the matter on 01.11.2021.

sd/-  
09/07/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI.
2. -DO-THROUGH THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE  
SAWYERPURAM POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**COPY TO:**

- 1 THE SUPERINTENDENT,  
CENTRAL PRISON,  
PALAYAMKOTTAI.
- 2 THE STATION HOUSE OFFICER,  
TUTICORIN SOUTH POLICE STATION,  
TUTICORIN.

ORDER  
IN

CRL MP(MD) No.1188 of 2021 in  
CRL A(MD) No.453 of 2019  
Date :09/07/2021

gk  
MS/AKM/SAR-1/13.07.2021/3P.7C