



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03.12.2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19131 of 2021

Arumugam

... Petitioner/Accused No.23

Vs

The State rep.by
The Inspector of Police,
Adirampattinam Police Station,
Adirampattinam,
Thanjavur District.
Crime No.45 of 2004

... Respondent/Complainant

For Petitioner : M/s.S.DEENDHAYALAN
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

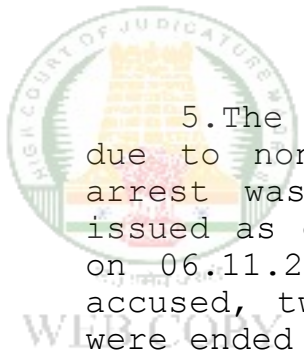
PRAYER :- For Bail in Crime No.45 of 2004 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A23 is facing a case for the offence under Sections 147, 148, 324, 427, 506(ii) and 307 IPC in P.R.C.No.19 of 2010 on the file of the learned Judicial Magistrate, Pattukkottai in Crime No.45 of 2004, on the file of the respondent police, seeks bail.

2. It is evident from the records that since the petitioner was absconding in P.R.C.No.19 of 2010, NBW was issued on 09.05.2010 and the case was split up as against the petitioner along with Narayanan and Kumaresan and that the case was committed to the Sessions Court with respect to other accused and after trial in S.C.No.97 of 2010, 24 accused have been acquitted vide judgment dated 17.02.2011 and that the split up case as against the said Narayanan was also ended in acquittal in S.C.No.253 of 2010 vide judgment dated 08.01.2019.

4.The learned counsel for the petitioner would submit that his name does not find place in the First Information Report and that subsequently, his name was included and without knowing the pendency of the case, he went abroad. He would further submit that after returning to India, he was arrested by executing the warrant on 06.11.2021.



5.The learned Additional Public Prosecutor would submit that due to non-appearance of the petitioner, Non-Bailable Warrant of arrest was issued. He would further submit that though NBW was issued as early as on 09.05.2010, the petitioner was secured only on 06.11.2021. He would further submit that in respect of other accused, two trials were conducted by the trial Court and the same were ended in acquittal.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 06.11.2021, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukkottai, Thanjavur District and on further conditions that:

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[ii] the petitioner shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable deposit to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172). The petitioner shall execute the sureties on showing the receipt of the said amount.

iii) the petitioner shall report before the trial Court daily at 10.30 a.m., until further orders;

iv) the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/12/2021

/ TRUE COPY /

/ /2021

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE
PATTUKKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE
SUB JAIL, PAPANASAM,
THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE,
ADIRAMPATTINAM POLICE STATION,
ADIRAMPATTINAM,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

+1. CC to M/S.DEENADHAYALAN.S, Advocate SR.No.8840

ORDER

IN

CRL OP(MD) No.19131 of 2021

Date :03/12/2021

SA/VR/SAR.3/03.12.2021/3P/8C