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Crl.O.P.No.10930 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.10930 of 2023

Murugan @ Vada Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kurusilapet Police Station,
Vellore District.

(Thirupathur District).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in P.R.C.No.2 of 2016 pending
committal on the file of the learned Judicial Magistrate No.II,
Thirupathur, Thirupathur District.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 05.03.2023, in P.R.C.No.2 of 2016 pending committal on the
file of the learned Judicial Magistrate No.II, Thirupathur, Thirupathur



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District, in connection with Crime No.89 of 2014 registered for the offences punishable under Sections 120(B), 302, 213, 205 of IPC r/w Sections 114 and 109 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A9) and he is facing trial in P.R.C.No.2 of 2016 pending committal on the file of the learned Judicial Magistrate No.II, Thirupathur, Thirupathur District. He further submitted that the petitioner, due to Covid-19 Pandemic situation, was unable to appear before the trial Court on 06.01.2021, thereby, the trial Court has issued a Nonailable Warrant of arrest against him and pursuant to which, he was arrested on 05.03.2023. He also submitted that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court and also he is ready to co-operate for speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor appearing for the respondent submitted that since the petitioner, who is an accused (A9)



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and facing trial in P.R.C.No.2 of 2016 pending committal on the file of the learned Judicial Magistrate No.II, Thirupathur, Thirupathur District, has failed to appear before the trial Court on 06.01.2021, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 05.03.2023. He further submitted that if bail is granted to the petitioner, there is every possibility of him, to abscond again and would derail the progress of trial. Therefore, he opposed to grant bail to the petitioner.

4. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioner from 05.03.2023, this Court is inclined to grant bail to the petitioner with certain conditions.

5. 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 No.II, Thirupathur** and on further



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conditions 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 Judicial Magistrate No.II, Thirupathur, on all working days at 10.30 a.m., until further orders;

[c] the petitioner, after coming out on bail, shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during 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.***



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State of Kerala [(2005)AIR SCW 5560];

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

18.05.2023

mn/Lpp

To

1. The Judicial Magistrate No.II,
Thirupathur.
2. The Inspector of Police,
Kurusilapet Police Station,
Vellore District.
(Thirupathur District).
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN,J.



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