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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2348 of 2023

Muthu @ Marutha Muthu @ Maruthupandi, ... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Nazareth Police Station,
Thoothukudi District
(Crime No.175 of 2013).

... Respondent/Complainant

For Petitioner : M/s.Suyambulinga Bharathi.K, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

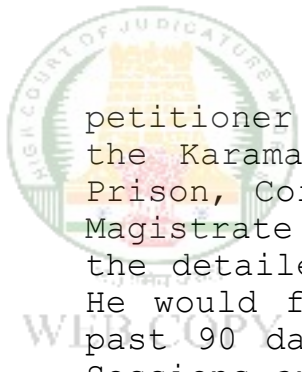
PRAYER :-

For Bail in Crime No.175 of 2013 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5 who was arrested and remanded to judicial custody on 20.12.2022 pursuant to the execution of Non-Bailable Warrant for the offences under section 392 of IPC @ 395 of IPC in Crime No.175 of 2013 on the file of the respondent police seeks bail.

2.The learned counsel for the petitioner would submit that the petitioner is arrayed as A5 in this case. He would further submit that originally, he was arrayed as A6 in Crime No.175 of 2013 registered by the respondent police and the petitioner had applied for anticipatory bail in CrI.O.P.(MD)No.1205 of 2014 and this Court had granted anticipatory bail to the petitioner on 31.01.2014. The petitioner has surrendered before the concerned Court and furnished the sureties on 11.02.2014 and thereafter, he was available at his house. However, without issuance of notice, the learned Judicial Magistrate had initiated surety action. Pursuant to which, when the



petitioner was in custody in connection with a case registered by the Karamadai Police Station in Crime No.557 of 2022 in Central Prison, Coimbatore, he was produced on P.T. Warrant and the learned Magistrate without cancelling the earlier bail and without passing the detailed order had remanded the petitioner to judicial custody. He would further submit that the petitioner is in custody for the past 90 days and now the case has been committed to the Court of Sessions and taken up for trial in S.C.No.11 of 2023 on the file of the I Additional District and Sessions Court, Thoothukudi and thereby, he would seek for bail. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him and he is also ready to co-operate with the disposal of the trial in S.C.No.11 of 2023.

3.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a habitual offender, against whom there are 22 previous cases. He would further submit that the petitioner was granted anticipatory bail in CrI.O.P.(MD) No.1205 of 2014 and he had furnished sureties and thereafter, he had absconded. Thereby, the learned Magistrate had taken surety action and during such time, it was found one surety had died and the other surety was discharged. Even thereafter, the petitioner had not appeared before the concerned Court and later, it was found that the petitioner was arrested and is in prison in connection with a case registered by the Karamadai Police Station in Crime No.557 of 2022 and he was produced on P.T. Warrant and remanded to judicial custody. He would further submit that the case is of the year 2013 and the petitioner has been absconding for the period of almost 8 years and hence, he would object for grant of bail.

4.In reply, the learned counsel for the petitioner would submit that summons was not served on the petitioner before initiation of surety action and the bail granted earlier was not cancelled. He would further submit that the petitioner is ready to furnish two blood sureties and he undertakes to appear before the concerned Court for speedy disposal of the trial.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Thoothukudi, and on further conditions that:



[b] the sureties shall affix their photographs and Leave Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the learned I Additional District and Sessions Judge, Thoothukudi daily at 10.30 A.M., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

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

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

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-

21/02/2023

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

SJI
TO

1 THE I ADDITIONAL DISTRICT
AND SESSIONS JUDGE, THOOTHUKUDI.

2 THE SUPERINTENDENT, CENTRAL JAIL, COIMBATORE.

3 THE INSPECTOR OF POLICE
NAZARETH POLICE STATION, THOOTHUKUDI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.K.SUYAMBULINGA BHARATHI, Advocate SR.No.2732(I)

ORDER

IN

CRL OP(MD) No.2348 of 2023

Date :21/02/2023