



CRL OP(MD). No.2364 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2023

PRESENT

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

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Arumugam

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Maniyachi Police Station,
Thoothukudi District.
Crime No.40/2016.

... Respondent/Complainant

For Petitioner : M/s.Susikumar C,Advocate.

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

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

PRAYER :- To enlarge the petitioner on Bail in SC.No.131/2020 on the file of the Learned II Additional Sessions Judge,Thoothukudi in connection with the Crime No.40/2016 on the file of the Respondent Police pending investigation.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on

01.09.2022 pursuant to the execution of Non Bailable Warrant for the offences under
<https://www.mhc.tn.gov.in/judis>



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sections (*)(**) 147, 148, 294(b), 323, 324, 506(ii), 365, 386 of IPC @ U/s.294(b), 323, 324, 506(2), 365, 364A, 394, 395, 397, 34, 120B of IPC in Crime No.40 of 2016 on the file of the respondent police seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner as A1 is facing trial in S.C. No.131 of 2020 on the file of the learned II Additional Sessions Judge, Thoothukudi. He would further submit that the petitioner was regularly appearing before the Court and due to his illness the petitioner was unable to appear before the Court on 14.06.2022 and hence Non Bailable Warrant came to be issued on 14.06.2022. The petitioner was arrested pursuant to the Non Bailable Warrant and he is in custody from 01.09.2022> H e would further submit that the petitioner is now residing in his brother's house and his brother and another blood relation is ready to stand as surety for him, hence he seeks bail.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner did not appear before the Court on 14.06.2022 and he was absconding and later Non Bailable Warrant was executed on 01.09.2022 and thereby he opposed for grant of bail. He would further submit that in this case charges were framed on 09.02.2023.

4. Heard, Perused the materials available on record including the First Information

<https://www.mhc.tn.gov.in/judis>



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Report.
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5. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, 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.10,000/- (Rupees Ten Thousand only) with two Government servants' sureties each for a like sum to the satisfaction of the learned II Additional Sessions Judge, Thoothukudi.

[b] 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.

[c] the petitioner shall report before the learned II Additional Sessions Judge, Thoothukudi on all working day at 10.30 am., for a period of two weeks and thereafter on the date fixed by the learned Sessions Judge.

[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

<https://www.mhc.trn.gov.in/judis>



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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.

7.It is made clear that the petitioner shall cooperate with the speedy disposal of the case.

sd/-
13/02/2023

(*)Amended as per Order of the Court dt. 18/10/2023 in CrI.MP(MD).14758 of 2023 in CrI.OP (MD).2364 of 2023 by VSGJ.

()Modified as per Order of the Court dt. 22/01/2024 in CrI.MP(MD).549 of 2024 in CrI.OP(MD).2364 of 2023 by MDIJ**

(***)Amended as per Order of the Court dt. 04.04.2024 in CrI.MP(MD).4115 of 2024 in CrI.OP (MD).2364 of 2023J.

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
TO BE SUBSTITUTED WITH THE ORDER DATED.31/10/2023 ALREADY
DESPATCHED

1 THE II ADDITIONAL SESSIONS JUDGE, THOOTHUKUDI DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, MANIYACHI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 cc to Mr.A.ARPUTHARAJ, Advocate, SR.No.4179 (I) Dt.04/04/2024

ORDER
IN

CRL OP(MD) No.2364 of 2023

Date :13/02/2023

RS/VR/SAR.(13.02.2023) 5P-5C

TRP

SA/JGB/SAR. /31.10.2023/5P/6C

SSB

PKP/29.01.2024/ 5P/ 6C

ED/ GS /SAR- (12/04/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified
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