



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 07/03/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.4030 of 2023

Sudalaimuthu

... Petitioner/Accused No.7

Vs

The State rep. by,  
The Inspector of Police,  
Jaihindpuram Police Station,  
Madurai District.  
(Cr.No.762/2014).

... Respondent/Complainant

For Petitioner : M/s.Karunanithi.M,

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.762 of 2014 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, is facing a case for the offence punishable under Section 147, 148 and 302 IPC @ 120(b), 147, 148, 120(b), 109 and 302 r/w 149 IPC in S.C.No.220 of 2019 on the file of the learned IV Additional District and Sessions Judge, Madurai in crime No.762 of 2014 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.09.2014, the petitioner along with other accused had committed murder of three deceased persons, namely, Karuppu Raja @ Karuppu, Nagaraj and Karthick @ Out Karthick. Hence, the case.

3.It is seen from the records that since the petitioner has not turned up for the hearing on 15.07.2022, Non-Bailable Warrant (NBW) was ordered to be issued and that warrant was executed on 21.07.2022 and the petitioner is still in judicial custody.



4.The learned counsel for the petitioner would submit the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the other accused were already granted bail and they were regularly appearing before the trial Court. Hence, he would seek for bail.

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5.The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A4 in this case and there is a specific overt act attributed against him. He would further submit that the investigation has been completed and the final report has already been filed and the case has been taken up for trial in S.C.No.220 of 2019 and that the case is posted for framing of charges. He would further submit that when the case was posted for hearing on 15.07.2022, the petitioner called absent and his application filed under Section 317 of Cr.P.C. was dismissed. Immediately on 21.07.2022, he was arrested and remanded to judicial custody. Hence, he vehemently opposed for grant of bail.

6.Considering the above facts and circumstances of the case and also considering 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Madurai, and on further conditions that:

[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 trial Court daily at 10.30 A.M. and 05.30 P.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



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

7. However, the learned IV Additional District and Sessions Judge, Madurai is directed to complete the trial in S.C.No.220 of 2019 and dispose of the case within a period of six months from today.

sd/-  
07/03/2023

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/03/2023

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

SJI

TO

1. The IV Additional District and Sessions Judge,  
Madurai.
2. The Judicial Magistrate No.IV, Madurai.
3. Do-Through The Chief Judicial Magistrate,  
Madurai District.
4. The Superintendent, Central Prison, Madurai.
5. The Inspector of Police,  
Jaihindpuram Police Station,  
Madurai District.
6. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.KARUNANITHI, Advocate SR-3633[I]

ORDER  
IN  
CRL OP(MD) No.4030 of 2023  
Date : 07/03/2023

NA/MMS/SAR/07.03.2023/3P/8C

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