



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/03/2023

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PRESENT

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

CRL OP(MD). No.5907 of 2023

Muthu Mallaiyaraj @ Mallaiyaraj, ... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
(Crime No.149/2022).

... Respondent/Complainant

For Petitioner : M/s.Vishnuvardhan S, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.side)

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

PRAYER :-

For Bail in Crime No.149 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 13.02.2023 for the offences under sections 109,120(b), 201,302 and 364 of IPC in Crime No.149 of 2022 on the file of the respondent police seeks bail.

2. It is seen that the petitioner was already granted bail in Crime No.149 of 2022. The respondent after completion of investigation filed final report and the same has been taken cognizance in S.C.No.241 of 2022 on the file of the learned II Additional District Judge, Thoothukudi. Thereafter the petitioner was detained under Act.14 of 1982 and later the detention order was quashed on 01.12.2022 and the petitioner was released on bail. Further the petitioner did not receive any summons in the present case, hence he did not appear before the court on 16.12.2022 as such Non-Mc.Bail Warrant was issued and it is pending. Therefore for the



two hearings he did not appear before the trial Court. The petitioner was arrested and remanded to judicial custody on 13.02.2023. The petitioner already involved in ten previous cases and while pending Non Bailable Warrant he did not commit any offence.

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3. Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner was arrested on execution of Non bailable Warrant and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing conditions.

4. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Tiruchendur.

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 report before the learned II Additional sessions Judge, Thoothukudi on all working days at 10.30 a.m and 5.30 p.m., until further orders

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

iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-

30/03/2023

/ TRUE COPY /

30/03/2023

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



1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE II ADDITIONAL SESSIONS JUDGE,
THOOTHUKUDI.

4 THE OFFICER INCHARGE
DISTRICT JAIL, PERURANI, THOOTHUKUDI.

5 THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.VISHNUVARDHAN S, Advocate (SR-5193[I] dated 30/03/2023

ORDER

IN

CRL OP(MD) No.5907 of 2023

Date :30/03/2023

PKP/MMS/SAR- /30.03.2023/ **3P/8C**