



CRL OP(MD). No.15642 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29.08.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL
CRL OP(MD). No.15642 of 2023

Sarathkumar

... Petitioner/ Accused No.2

Vs

State rep. by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(in Crime No.157 of 2012)

... Respondent/Complainant

For Petitioner : Mr. D. Balamurugapandi, Advocate
For Respondent : Mr.S. Ravi, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.157 of 2012 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested on 14.08.2023 for the alleged offence punishable under Sections 147, 148, 294(b), 341, 323, 353, 336 IPC and Section 3(1) and 4 of TNPPDL Act, r/w 149 IPC, in Crime No.157 of 2012, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is facing trial in (*)S.C.No.34 of 2023 on the file of Additional District and Sessions Court, Virudhunagar. Due to



CRL OP(MD). No.15642 of 2023

the non-appearance of the petitioner NBW was issued and a case was split up from the mother case and thereafter, proclamation order was also issued under Section 82 Cr.P.C., Thereafter, NBW was executed on 14.08.2023.

3. The learned counsel appearing for the petitioner would contend that the occurrence was taken place at Virudhunagar District, but, petitioner is a native of Ramanathapuram District. Due to his livelihood the petitioner is staying at Ramanathapuram and therefore, he was unable to appear before the trial Court. He would further submit the petitioner is ready to file an undertaking affidavit before the trial Court that he will appear before the trial Court on all hearing dates without fail.

4. The learned Additional Public Prosecutor appearing for the respondent would contend that the petitioner was absconding for a years together and thereby, this case has been split up from the mother case and thereafter, proclamation was issued and NBW was also pending against the petitioner for a long time and that the petitioner was arrested and remanded to judicial custody on 14.08.2023. He would further submit that if the petitioner is released on bail there is a chance for absconding and therefore, he strongly objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and also considering the



CRL OP(MD). No.15642 of 2023

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fact that First Information Report was registered in the year 2012 and that the Charge Sheet was filed in the year 2013 and that some of the cases are split up from the mother case and also considering the period of incarceration and all other aspects 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 sureties each for a like sum to the satisfaction of the learned (*)Additional District and Sessions Court, Virudhunagar and on further conditions that:

[b] the petitioner shall appear before the trial Court on all the working days at 10.30 am until further orders;

[c] the petitioner is also directed to file an undertaking affidavit before the trial Court that he will appear the trial Court on all hearing dates without fail;

[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



CRL OP(MD). No.15642 of 2023

released on bail by the learned Magistrate/Trial Court himself as laid down by the
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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/-
29/08/2023

(*)CORRECTED AS PER ORDER OF THIS
HON'BLE COURT DATED 01.09.2023 IN
CRL OP(MD).15642/2023
/ TRUE COPY /

01/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
29.08.2023

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT.

2.THE JUDICIAL MAGISTRATE,
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

4.THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION, VIRUDHUNAGAR DISTRICT.



CRL OP(MD). No.15642 of 2023

5.THE OFFICER INCHARGE, SUB JAIL, ARUPPUKOTTAI.

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

+2 CC TO MR.D.BALAMURUGAPANDI, ADVOCATE, SR.13063[I] & SR.12936[I]

ORDER IN
CRL OP(MD) No.15642 of 2023
Date :29/08/2023

RK (29/08/2023) 5P / 6C

RS (01.09.2023) 6P/9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023