



CRL OP(MD). No.15926 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15926 of 2023

Arumuga Permual

... Petitioner/ Accused No.1

Vs

State Rep.by

The Inspector of Police,

All Women Police Station,

Thiruchendur, Thoothukudi District.

Crime No.49 of 2005.

... Respondent/ Complainant

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

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in C.C.No.170 of 2008 on the file of the Judicial Magistrate Court,Thiruchendur.

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 28.06.2023 for the alleged offence under Sections 498(A)and 406 of IPC in Crime No.49 of 2005 (C.C. No.170 of 2008 on the file of the learned Judicial Magistrate, Tiruchendur) on the file of the respondent police seeks bail.

2. Earlier the petitioner was arrested and released on bail. Thereafter the petitioner did not appear before the trial Court , hence Nonailable Warrant was



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issued on 18.05.2006. The petitioner was arrested on execution of Non Bailable Warrant on 28.06.2023.

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3.The learned counsel for the petitioner would submit that the petitioner is uneducated and without knowing the Court proceedings he went to Cochin for work and hence he was unable to appear before the trial Court on 18.05.2006 due to which Non Bailable Warrant came to be issued and the petitioner was remanded to custody pursuant to the execution of Non Bailable Warrant on 28.06.2023

4. The learned Additional Public Prosecutor opposing the bail petition would submit that the petitioner is absconding for nearly 17 years and with much difficulty the respondent police secured the petitioner. Further, if the petitioner is released on bail, he may abscond again and the trial will be stalled.

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

6.Considering the rival submissions on either side and considering the period of incarceration and also considering the fact that the case is posted for trial before the trial Court and considering 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 Judicial Magistrate,



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Sathankulam and on further conditions that:

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[b] the petitioner shall report before the trial Court on all working days 10.30 am., until further orders.

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

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

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

[f] 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].

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

sd/-
01/09/2023

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

AAV



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TO

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1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR.

2 THE JUDICIAL MAGISTRATE, SATHANKULAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT PRISON, PERURANANI.

5 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THIRUCHENDUR, THOOTHUKUDI DISTRICT.

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

COPY TO

THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI.

ORDER

IN

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Date :01/09/2023

RS//SAR-(01.09.2023) 4P 8C

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