



CRL OP(MD). No.19755 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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Karthik @ Karuppan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam,
Thanjavur District,
(In Crime No.1606/2020).

... Respondent/Complainant

For Petitioner : M/s.SELVAKUMAR.V,
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :- To enlarge the petitioner on bail in connection with Crime No.1606 of 2020 on the file of the Respondent Police in connection with C.C.No.268 of 2023 on the file of the Judicial Magistrate No.II, Kumbakonam and pass such further or other orders.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 01.10.2023 for the alleged offences punishable under Section 392 of IPC in Crime



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No.1606 of 2020(C.C. No.268 of 2023 on the file of the Judicial Magistrate Court No.II, Kumbakonam) on the file of the respondent police, seeks bail.

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2. Earlier the petitioner was arrested and released on bail. Thereafter the petitioner did not appear before the trial Court , hence Non Bailable Warrant was issued on 16.08.2023. The petitioner was arrested on execution of Non Bailable Warrant on 01.10.2023.

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates and due to his ill health he was unable to appear before the trial Court, 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 01.10.2023.

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

5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following



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conditions:

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[i] 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 No.II, Kumbakonam and on further conditions that:

(ii) 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;

(iii) the petitioner shall appear before the trial Court as directed by the trial Court;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

(vi) 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].



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

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sd/-
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29/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO
1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,

MADURAI

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



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ORDER
IN
CRL OP(MD) No.19755 of 2023
Date :29/11/2023

SA/SAR. /29.11.2023/5P/6C

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