



CRL OP(MD). No.239 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Muruganantham

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Crime No.297 of 2018.

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, 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 Crime No. 297 of 2018 on the file of the respondent police in connection with S.C.No.170 of 2019, pending on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who was arrested and remanded to judicial custody on 19.12.2023 on execution of Non-Bailable Warrant issued by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, for



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the offences punishable under Sections 307 of IPC @ Section 302 of IPC in S.C.No.170 of 2019, seeks bail.

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2. The petitioner was absent during the trial in S.C.No.170 of 2019 pending on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur. Thereby, Non Bailable Warrant came to be issued on 20.01.2021. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 19.12.2023.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. The petitioner has appeared before the Court regularly. Thereafter due to avocation, the petitioner shifted his residence to Kerala and the progress of the case was not intimated to him. When the petitioner returned to his native place, the respondent police executed the non bailable warrant on 19.12.2023. From onwards, he is in custody. The learned counsel undertakes that the petitioner shall appear before the court below regularly on all future hearing dates without fail. Hence, he prays for grant of bail to the petitioner.

4.Heard the learned Additional Public Prosecutor appearing for the State would submit that the non bailable warrant was issued in the year 2021 and he was secured in the year 2023. If he is enlarged on bail, there will no progress in the trial process. Hence, he vehemently, opposed to grant bail to the petitioner.



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5. Considering the period of incarceration and also considering the undertaking given by the petitioner that the petitioner shall appear before the court below regularly on all future hearing dates without fail, I am inclined to grant bail to the petitioner. 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 sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, and on further condition that:

(a) 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;

(b) the petitioner is directed to appear before the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, on each and every hearing date, failing which, the bail granted to the petitioner by this Court shall stand automatically vacated.

(c) the petitioner shall report before the trial court daily at 10.30 a.m until the case is committed to the Court of sessions;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. The learned learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, is directed to complete the trial in S.C.No.170 of 2019 within a period of 6 months from the date of receipt of a copy of this order.

sd/-
09/01/2024

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09/01/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss
TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
THANJAVUR.



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2 THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-391[I] dated 09/01/2024)

ORDER
IN

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Date :09/01/2024

RS//SAR-(09.01.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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