



CRL OP(MD). No.1838 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 07/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1838 of 2024

Rengarajan

... Petitioner/ Accused No.2

Vs

State represented by  
The Inspector of Police,  
Murappanadu Police Station,  
Thoothukudi District.  
Crime No.112 of 2016

... Respondent/Complainant

For Petitioner : Mr.B.Ramnath,  
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 connection with S.C.No.317/2022 on the file of the learned I Additional District and Sessions Judge, Thoothukudi.



**CRL OP(MD). No.1838 of 2024**

**ORDER :** The Court made the following order :-

The petitioner /accused No.2, who is facing trial for the offence punishable under Sections 294(b), 302, 506(ii) and 341 IPC r/w. Section 34 of IPC in S.C.No.317 of 2022 on the file of the learned I Additional District and Sessions Judge, Thoothukudi, in Crime No.112 of 2016, seeks bail.

2. The case of the prosecution is that on 04.01.2023, the case was posted for appearance of the petitioner and thereafter, it was adjourned to 21.03.2023. On that day, the petitioner has not appeared before the trial Court and therefore, Non-bailable warrant was issued against the petitioner, pursuant to which, the petitioner was arrested and remanded to judicial custody on 14.08.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that on 21.03.2023, the petitioner met with an accident and sustained injury, due to which, the petitioner has not appeared before the trial Court, however, the trial Court, without considering the said fact, has issued Non-bailable warrant against the petitioner and the petitioner has already filed a petition for bail in CrI.M.P.No.7221 of 2023 before the trial Court, but the same was dismissed on 20.11.2023. He would further submit that the



CRL OP(MD). No.1838 of 2024

petitioner is in judicial custody from 14.08.2023 and the petitioner is ready to appear before the trial Court every day till the disposal of the case and hence, he prayed for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the trial is not yet completed.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. 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, each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Thoothukudi, and on further conditions 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 concerned trial Court for every day till the disposal of the case in S.C.No.317 of 2022;



CRL OP(MD). No.1838 of 2024

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

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

(e)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;

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

sd/-  
07/02/2024

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07/02/2024  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

ssb

TO

1. The I Additional District and Sessions Judge, Thoothukudi.



CRL OP(MD). No.1838 of 2024

2. The Officer Incharge,  
District Jail, Thoothukudi.

3. The Inspector of Police,  
Murappanadu Police Station,  
Thoothukudi District.

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LENINKUMAR, Advocate ( SR-1510[I] dated 07/02/2024 )

ORDER  
IN  
CRL OP(MD) No.1838 of 2024  
Date :07/02/2024

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