



CRL OP(MD). No.2162 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2162 of 2024

Nagamuthu @ Nagar,

... Petitioner/ Accused No.3

Vs

The Sub Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No 397 of 2022.

... Respondent/ Complainant

For Petitioner : MR. R.Balamuruganantham,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 S.C.No.201 of 2023, on the file of the Judicial Magistrate Court No.I, Sivagangai, Sivagangai District in Crime No. 397 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who is facing trial for the offence punishable under

Sections 201 and 302 of I.P.C. in S.C.No.201 of 2023, on the file of the Judicial
<https://www.mhc.tn.gov.in/judis>



2. The petitioner herein is Accused No.3 in in Crime No.397 of 2022 on the file of the respondent Police. After conducting the investigation, the respondent Police filed a charge sheet before the trial Court in S.C.No.201 of 2023, on the file of the Judicial Magistrate Sivagangai District for the alleged offence punishable under Sections 201 and 302 IPC. During the investigation, the petitioner was not arrested and thereby, the respondent Police filed absconding charge sheet as against the petitioner before the trial Court. Subsequently, he was secured on 07.08.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that Accused Nos. 1 and 2 in this have already been granted bail by the trial Court. He would further submit that the petitioner is in judicial custody from 07.08.2023 and accordingly, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent-Police would submit that if bail is granted to the petitioner, the trial will not be proceed further. He would further submit that twelve previous cases are pending against the petitioner. Out of which, two cases are 302 offences and other offences are

heinous in nature and therefore, he strongly opposed for grant of bail to the



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petitioner herein.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and considering the fact that the co-accused have already been granted bail by the trial court and also considering the period of incarceration suffered by the petitioner, 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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I. Sivagangai, Sivagangai District 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 trial Court for each and every hearing dates, failing which, the bail granted by this Court shall stand automatically cancelled,

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



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(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/-
13/02/2024

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13/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SIVAGANGAI, SIVAGANGAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE.
DISTRICT PRISON, MADURAI,
MADURAI DISTRICT.

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



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4 THE SUB INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-1771[I] dated
13/02/2024)

ORDER
IN

CRL OP(MD) No.2162 of 2024

Date :13/02/2024

PKP/13.02.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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