



CRL OP(MD). No.2320 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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K.Muthukumar

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Crime No.223 of 2018)

... Respondent/Complainant

For Petitioner : Mr.N.A.Manimaran, 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.223 of 2018 in P.R.C.No.72 of 2018 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner /accused No.4, who is facing trial for the offence punishable under Sections 147, 148, 341, 294(b), 302 and 506(2) IPC in P.R.C.No.72 of 2018 on



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the file of the learned Judicial Magistrate No.V, Madurai, in Crime No.223 of 2018,
seeks bail.

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2. The case of the prosecution is that during the course of trial, 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 08.01.2024.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to ill-health, he could not appear before the trial Court, however, the trial Court has issued Non-bailable warrant against the petitioner, pursuant to which, the petitioner was remanded to judicial custody on 08.01.2024 and the petitioner has filed a petition in Crl.M.P.No.809 of 2024 before the trial Court seeking bail, however, the same was dismissed on 09.02.2024. Hence, the petitioner has filed this petition before this Court seeking bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, one murder case is pending against the petitioner, in which, he has been arrayed as A4.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the



petitioner, subject to the following conditions:

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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 Judicial Magistrate No.V, Madurai 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 learned Judicial Magistrate No.V, Madurai, on each and every hearing date;

(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



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Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
26/02/2024

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26/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

1.The Judicial Magistrate No.V,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

4.The Superintendent,
Central Prison,
Madurai.

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

+1 CC to M/s.NA.MANI MARAN, Advocate (SR-2362[I] dated 26/02/2024)



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ORDER
IN
CRL OP(MD) No.2320 of 2024
Date :26/02/2024

ED/ /SAR- (26/02/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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