



CRL OP(MD). No.2902 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2902 of 2024

Muthuramalingam ... Petitioner/ Petitioner/ Accused No.1

Vs

State represented by
The Sub Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
Crime No.112 of 2017

... Respondent/Complainant

For Petitioner : Mr.T.Antony Arulraj,
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.690 of 2018 on the file of the III Additional Sessions Court, Tirunelveli, in respect of Crime No.112 of 2017.

ORDER : The Court made the following order :-

The petitioner /accused No.1, who is facing trial for the offence punishable



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under Sections 294(b) and 506(ii) IPC, Section 4 of Tamil Nadu Prohibition of Harassment against Women Act and Section 3 of TNPPDL Act, in S.C.No.690 of 2018 on the file of the learned III Additional Sessions Judge, Tiruneveli, in Crime No.112 of 2017, seeks bail.

2. The case of the prosecution is that during the course of trial, the petitioner has not appeared before the trial Court and therefore, warrant was issued against the petitioner, pursuant to which, the petitioner was arrested and remanded to judicial custody on 30.10.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to communication gap between the petitioner and his counsel, he could not appear before the trial Court, however, the trial Court has issued warrant against the petitioner, pursuant to which, the petitioner was remanded to judicial custody on 30.10.2023 and the petitioner has filed petitions in Crl.M.P.Nos.16319 of 2023 and 297 of 2024 before the trial Court seeking bail, however, the same were dismissed on 04.12.2023 and 02.02.2024. Hence, the petitioner has filed this petition before this Court seeking bail.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, the petitioner is having four previous cases.

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:

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 III Additional Sessions Judge, Tiruneveli**, 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 III Additional Sessions Judge, Tiruneveli, on each and every hearing date;



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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/-
26/02/2024

/ TRUE COPY /

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

SSB



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TO
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- 1 THE III ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
- 2 THE SUB INSPECTOR OF POLICE
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-2360[I] dated 26/02/2024)

ORDER
IN
CRL OP(MD) No.2902 of 2024
Date :26/02/2024

SS/SAR- /26/02/2024/5P/6C

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