



CRL OP(MD). No.3022 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Tamizhalagan

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Ottapidaram Police Station,
Ottapidaram, Thoothukudi District.
Crime No.333 of 2020.

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan,
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.52 of 2022, pending on the file of the Mahila Court (Fast Track), Thoothukudi in crime No.333 of 2020 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 01.11.2022 on execution of P.T.Warrant issued by the the Mahila Court (Fact Track), Thoothukudi, for the offences punishable under Sections 448, 294(b), 342, 354, 376, 511, 506(ii) IPC in S.C.No.52 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbors. On 14.10.2020 at about 2.30 p.m., when the defacto complainant' wife was in her huse, the petitioner went there and misbehaved with her. Hence, the complaint has been lodged. So, FIR in Crime No.333 of 2020 was registered by the respondent Police and the petitioner was arrested and remanded to judicial custody. Thereafter, he was enlarged on bail and subsequently the Law Enforcing Authority, after completing the investigation, a Charge Sheet was filed before the Mahila Court (Fact Track), Thoothukudi. Due to non-appearance of the petitioner, the trial Court issued P.T.Warrant, pursuant to which, the petitioner was arrested and remanded to judicial custody on 01.11.2022.

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



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alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner co-operated with the trial proceedings in all hearings and due to ill health, he could not appear before the concerned Court, so P.T.warrant was issued against the petitioner and he was arrested and remanded to judicial custody on 01.11.2022. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that if he is released on bail, he may abscond and there will be no progress in the trial. Hence, he vehemently objected to grant bail to the petitioner.

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 Mahila court, (Fast Track),



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Thoothukudi, and on further conditions that:

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(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 Mahila court, (Fast Track), Thoothukudi, daily at 10.30 a.m., till conclusion of the trial, failing which, the bail granted to the petitioner by this Court shall stand automatically vacated.

(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;



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229-A IPC.

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

sd/-
27/02/2024

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27/02/2024

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

Indu
TO

1.The Mahila Court, (Fast Track),
Thoothukudi.

2. The Superintendent,
Central Jail, Palayamkottai.

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

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-2402[I] dated 27/02/2024)

ORDER
IN

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Date :27/02/2024

SSA//SAR-(27.02.2024) 5P 6C

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