



CRL OP(MD). No.9960 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9960 of 2024

Ragu,

... Petitioner/ Accused 2

The Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No. 339/2018.

... Respondent/Complainant

For Petitioner : Mr.Anand R.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :- To enlarge the petitioners on bail in S.C No. 41 of 2024 pending on the file of the learned Additional District and Sessions Judge (FTC), Theni.

ORDER : The Court made the following order :-

This petition is filed to enlarge the petitioners on bail in S.C No. 41 of 2024 pending on the file of the learned Additional District and Sessions Judge (FTC), Theni.

2. The petitioner/ Accused, who was arrested and remanded to judicial custody

on 12.03.2024 for the offences punishable under Sections 174 (3) Cr.P.C @ 201 and 302

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



CRL OP(MD). No.9960 of 2024

I.P.C, in crime No.339 of 2018 on the file of the respondent police, seeks bail.

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3.Originally the petitioner was arrested and subsequently, released on bail.

After filing charge sheet, as the summon could not be served upon the petitioner in P.R.C.No.22 of 2021, the learned Judicial Magistrate, Uthamapalayam, has issued non bailable warrant for appearance on him on 17.05.2021, after his arrest the case is pending as S.C.No.41 of 2024.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 12.03.2024, hence he may be enlarged on bail.

5.The learned Additional Public Prosecutor would submit that the non bailable warrant issued on 17.05.2021 and the petitioner is secured on 11.03.2024, for more than 3 years he was absconded. Hence, he strongly opposed to grant bail.

6.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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



CRL OP(MD). No.9960 of 2024

learned Additional District and Sessions Judge (FTC), Theni.;

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(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the trial Court daily at 10.30 a.m., until further orders and on every hearing without fail;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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].

sd/-
05/07/2024

/ TRUE COPY /

05/07/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC),
THENI.



CRL OP(MD). No.9960 of 2024

2 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

3 THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.9960 of 2024
Date :05/07/2024

SA/SAR. /05.07.2024/4P/5C

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