



CRL OP(MD). No.11323 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

CRL OP(MD). No.11323 of 2024

Murugan,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Eral Police Station,
Eral, Thoothukudi District.
Crime No. 332/2017.

... Respondent/ Complainant

For Petitioner : Mr.N.Pragalathan,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioner herein on bail in connection with the case in S.C No. 136 of 2023 on the file of the 1st Additional District and Sessions court, Thoothukudi in Crime No. 332 of 2017 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A3, who is facing a case for the offence under Sections 147, 148,

149, 294(b), 341, 302, 120(b), 109 and 34 of IPC, S.C No. 136 of 2023 on the file of the 1st

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



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Additional District and Sessions court, Thoothukudi in Crime No. 332 of 2017 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in S.C No. 136 of 2023 before the 1st Additional District and Sessions court, Thoothukudi. Therefore, Non-Bailable Warrant came to be issued on 01.07.2022 and the same was executed on 08.02.2023 and he is still in judicial custody.

3.The learned counsel appearing for the petitioner would submit that due to unavoidable circumstances, he did not appear before the 1st Additional District and Sessions court, Thoothukudi. Therefore, Non-Bailable Warrant was issued against him on 01.07.2022 and he was arrested and remanded in judicial custody on 08.02.2023. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the case is pending for trial. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the fact that the case is pending for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 1st Additional District and Sessions court,



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Thoothukudi.

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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 appear before the trial Court for each and every hearing dates;

(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].

vi) If the accused thereafter abscond, a fresh FIR can be registration under Section 229A IPC.

sd/-
24/07/2024

/ TRUE COPY /

24/07/2024
Sub-Assistant Registrar (C.O)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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DSS

TO

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1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
ERAI POLICE STATION,
ERAI, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-8504[I] dated 24/07/2024)

ORDER IN

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Date :24/07/2024

SA/SAR. /24.07.2024/4P/6C

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