



CRL OP(MD). No.13638 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Muthuraj,
(Petitioner Real Name Thandeewaran, S/o.Thandi).

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Thiruppuvanam Police Station,
Sivagagai District.
Crime No.161 of 1999.

... Respondent/ Complainant

For Petitioner : Mr.R Udhayakumar,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- To enlarge the petitioner on bail in the event of his arrest or surrender in connection with the S.C.99 of 2019 on the file of the Fast Track Mahila Court, Sivagangai in Crime No.161 of 1999 on the file of the Respondent of Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who is facing a case for the offence under Sections 147, 341, 353

of IPC and 3(i) TNPPDL Act, in S.C.No.99 of 2019 on the file of the Fast Track Mahila

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



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Court, Sivagangai, in Crime No.161 of 1999 on the file of the respondent police, seeks bail.

2. The petitioner was absent during the trial in S.C.No.99 of 2019 on the file of the Fast Track Mahila Court, Sivagangai. Initially, the petitioner has regularly appeared before trial Court. At the time of clarification of accused by the trial Court, it was mentioned that his name was not found in the charge sheet. Hence, the petitioner has not appeared before the trial Court. Now, he came to know that the police has tried to trace out him to arrest. Hence, the petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner's name is Thandeeswaran S/o.Thandi not Muthuraj. The case was split up against Muthuraj and another. The case against other 24 accused in S.C.No.208 of 2006 were ended in acquittal on 12.01.2022 and the case in S.C.No.99 of 2019 was posted today i.e., 20.08.2024 and the police has tried to trace out him to arrest.

4.Considering the argument of the learned counsel for the petitioner that there was a dispute with regard to the name of the accused and only after filing a supplementary charge sheet, the case against the petitioner was split up and also considering the fact that all the accused are right now acquitted by the trial Court, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:



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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Fast Track Mahila Court, Sivagangai, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and 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 shall appear before the trial Court for each and every hearing without fail;

(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



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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/-
20/08/2024

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/09/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE JUDGE,
FAST TRACK MAHILA COURT, SIVAGANGAI.

2 THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGAGAI DISTRICT.

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

+1 CC to M/s.R.UDHAYAKUMAR, Advocate (SR-10147[I] dated 20/08/2024)



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ORDER
IN
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Date :20/08/2024

SA/GS/SAR. /02.09.2024/5P/5C

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