



CRL.O.P(MD)No.14170 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL.O.P(MD)No.14170 of 2024

Muthuselvan @ Thothal

... Petitioner/ Accused No.1

Vs.

State Rep. through
The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
(Crime No.71 of 2019)

... Respondent/ Complainant

For Petitioner : Mr.S.Nihar Ali
Advocate

For Respondent : Mrs.M.Aasha
Government Advocate (Crl.side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.71 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.1, who jumped out of bail, was arrested and



CRL.O.P(MD)No.14170 of 2024

WEB COPY

remanded to judicial custody on execution of Non Bailable Warrant on 02.08.2023 in S.C.No.128 of 2022 on the file of the Principal Sessions Court, Sivagangai for the offences under sections 147, 148, 120(b) and 302 of IPC in Crime No.71 of 2019 of respondent police, seeks bail.

2. The case of the prosecution is that upon previous motive, on 26.05.2019 at about 7.45 a.m., the defacto complainant's son was brutally murdered by the petitioner/Accused No.1 along with co-accused. Hence, the case was registered by the respondent police in Crime No.71 of 2019 for the offence under Sections 147, 148, 120(b) and 302 of IPC. After investigation, the respondent police filed a final report stating that the petitioner/Accused No.1 along with co-accused unlawfully assembled with deadly weapons and committed murder of the deceased, thereby, committing the aforesaid offences. The final report was taken on file as S.C.No.128 of 2022 by the Principal Sessions Court, Sivagangai and the same is pending trial.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the petitioner was falsely implicated in this case. The petitioner has already obtained bail and was conducting the case on bail, whileso he was unable to appear before the trial Court on 08.06.2023 and hence, NBW was issued, the petitioner was arrested on execution of NBW and he is in judicial custody from 02.08.2023. The petitioner/Accused No.1



CRL.O.P(MD)No.14170 of 2024

is ready to abide any condition imposed by this Court.

WEB COPY

4.The learned Additional Government Advocate (Criminal Side) for the respondent would submit that the petitioner is having 10 previous cases, out of which three cases were registered for the offence under Section 302 of IPC. In this case, the petitioner was already granted bail, but he was absconded during trial and Non Bailable Warrant was issued on 08.06.2023 and the same was executed on 02.08.2023. Trial has already been commenced by the trial Court, almost all the prosecution witnesses have been examined and the case is now pending for examination of the Investigating Officer. At this stage, if the petitioner is released on bail, he will again abscond and the progress of the case will be affected. Hence, the petition may be dismissed.

5. Taking into consideration of the above facts and circumstances and also the fact that the petitioner is Accused No.1 in this case, who was already granted bail, subsequently, he absconded and hence, he was arrested on execution of Non Bailable Warrant. Trial has been commenced and the case is now pending at the stage of examination of Investigating Officer. Further, taking note of the fact that the petitioner is having 10 previous cases out of which three cases are registered under Section 302 of IPC. In these circumstances, this Court is not inclined to grant bail to the petitioner.



CRL.O.P(MD)No.14170 of 2024

6. In the result, this Criminal Original Petition is dismissed.

WEB COPY

sd/-
23/09/2024

/ TRUE COPY /

/09/2024

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

VSD

TO

- 1 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION, SIVAGANGAI DISTRICT,
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14170 of 2024

Date :23/09/2024

SS/SG/SAR- /26/09/2024/4P/4C

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