



CRL OP(MD)No.18685 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18685 of 2024

Stalin @ Stalin Muthu

... Petitioner/ Accused No.8

Vs

The Inspector of Police,
Thanjavur Town Police Station,
Thanjavur District,
(Crime No.33 of 2015.)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.33 of 2015 on the file of the respondent police

ORDER : The Court made the following order :-



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The petitioner/Accused, who is arrested and remanded to judicial custody on 20.07.2024 for the offence punishable under Sections 147, 148, 149, 201, 120(b), 302 and 109 of IPC, in Crime No.33 of 2015 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner did not appear before the trial Court for hearing. Hence, the Additional District Judge/Presiding Officer Special Court under Essential Commodities Act, Thanjavur, issued non-bailable warrant to the petitioner and thereafter, he was arrested on 20.07.2024.

3.Heard the learned counsel on either side and perused the material records of the case.

4.Considering the nature of allegation in this case that there are 18 accused in this case and the case is being dragged on at the stage of Section 313 of Cr.P.C and one after the other, the accused are remaining absent so that the questioning could not be proceeded with, this Court had dismissed the earlier bail application by an order dated 03.10.2024, so that Section 313 of Cr.P.C., questioning can be proceeded. But however, it is now stated by the learned Counsel of the petitioner that in the subsequent hearings, even though the petitioner is in custody, non-bailable warrant which is pending against A-2 is not executed and because he is absconding, the matter is kept pending and now the matter is adjourned to 11.11.2024. In view thereof, the petitioner can be enlarged on bail with the stringent conditions.



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5. 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 learned Additional District Judge/Presiding Officer Special Court under Essential Commodities Act, Thanjavur;

(i) Out of two sureties, one surety shall be the local surety and another one shall be the blood surety and 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 attend all the hearings before the trial Court without fail. The petitioner shall keep informed the Investigation Officer about his whereabouts. It is made clear that if the petitioner remains absent and if the warrant is executed, thereafter, he will not be enlarged on bail until the trial is over.

(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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. The copy of the order shall be place before the higher authorities concerned, so that A-2 shall be traced out at the earliest and the case can be proceeded with, considering that the crime number is of the year 2015.

sd/-
30/10/2024

/ TRUE COPY /

30/10/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR

To

1.The Additional District Judge / Presiding Officer,
Special Court under Essential Commodities Act, Thanjavur.

2.The Inspector of Police,
Thanjavur Town South Police Station,
Thanjavur District.

3.The Officer Incharge,
Sub Jail, Pattukottai.

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



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ORDER

IN

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Date :30/10/2024

ED/ /SAR- (30/10/2024) 5P / 5C

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