



CRL OP(MD). No.18484 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.18484 of 2023

Murugan @ Bombay Murugan,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Arumuganeri Police Station,
Arumuganeri,
Thoothukudi District.
Crime No.118/2022.

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinna
for M/s. Nihar Ali.S,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in connection with the case in S.C.No.229 of 2022 on the file of the 2nd Additional District and Sessions Court, Thoothukudi in Crime No.118/2022 on the file of the respondent police.



CRL OP(MD). No.18484 of 2023

ORDER : The Court made the following order :-

WEB COPY

The petitioner/A1 who is facing trial for the offences punishable under Sections 392, 397 and 114 of IPC in S.C.No.229 of 2022 on the file of the 2nd Additional District and Sessions Court, Thoothukudi in Crime No.118 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.05.2022 at about 09.30 p.m., when the defacto complainant was returning to his house in a two-wheeler, the petitioner herein and two others restrained him and robbed a sum of Rs.1,200/- from the defacto complainant. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned Counsel for the petitioner submitted that already the petitioner has implicated in Crime No.118 of 2023 and subsequently, he was arrested and enlarged on bail. Thereafter, charge sheet was filed and the case was pending before the trial Court. However, for non-appearance of the Court hearing, the trial Court issued Non-Bailable Warrant against the petitioner. Pursuant to which, the Law Enforcing Agency secured the petitioner and remanded to judicial custody. He would



CRL OP(MD). No.18484 of 2023

WEB COPY

further submit that the petitioner is in judicial custody for more than 100 days and that the petitioner is ready to appear before the trial Court regularly till the disposal of the case. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submits that apart from this case, there are six previous cases pending against the petitioner. Since the petitioner has not appeared before the trial Court, Non-Bailable Warrant was issued against the petitioner, pursuant to which, the respondent police secured the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Considering the above facts and circumstances of the case and also considering the fact that the petitioner is ready to appear before the trial Court regularly, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, this Criminal Original Petition is ordered and 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 learned 2nd Additional District and Sessions Court, Thoothukudi, and on



CRL OP(MD). No.18484 of 2023

further conditions that:

WEB COPY

(a) 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 is directed to appear before the concerned Court on all working days at 10.30 a.m till the disposal of the criminal case;

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



CRL OP(MD). No.18484 of 2023

WEB COPY

229-A IPC.

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

sd/-
02/01/2024

/ TRUE COPY /

02/01/2024

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

SJI

TO

1.The 2nd Additional District and Sessions Judge, Thoothukudi,

2 The Officer in charge
District Jail, Perurani,
Thoothukudi District.

3.The Inspector of Police,
Arumuganeri Police Station,
Arumuganeri,
Thoothukudi District.

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

ORDER
IN

CRL OP(MD) No.18484 of 2023
Date :02/01/2024

RK (02/01/2024) 5P / 5C

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

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