



CRL OP(MD). No.23620 of 2023

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

Date : 05/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Muthukumar

... Petitioner/ Accused No.1

Vs

State represented by
The Inspector of Police,
Thatchanallur Police Station,
(Crime No.30 of 2018.)

... Respondent/Complainant

For Petitioner : Mr.C.Thangapandy, 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 S.C.No.36 of 2019, pending on the file of the learned III Additional Sessions Judge, Tirunelveli.

ORDER : The Court made the following order :-

The petitioner /accused No.1, who was arrested and remanded to judicial custody on 01.12.2023 on execution of Non-Bailable Warrant issued by the learned III Additional Sessions Judge, Tirunelveli, for the offences punishable under Sections



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120B, 302, 364, 342 r/w. 34 of IPC in S.C.No.36 of 2019, seeks bail.

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2. The case of the prosecution is that an unidentified male body was found with bleeding injuries around the neck, as laid near Subramaniyanagar, Thachanallur. Thereafter, a complaint was lodged by the V.A.O., Thachanallur Village. So, FIR in Crime No.30 of 2018 was registered by the respondent Police and the petitioner was arrested and remanded to judicial custody. Thereafter, he enlarged on bail and subsequently the Law Enforcing Authority, after completing the investigation, a Charge Sheet was filed before the Principal District Court, Tirunelveli. Due to non-appearance of the petitioner, the trial Court issued non-bailable warrant, pursuant to which, the petitioner was arrested and remanded to judicial custody on 01.12.2023.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner co-operated with the trial proceedings in all hearings and due to non-appearance on 30.06.2023, Non bailable warrant was issued against the petitioner on 01.12.2023. So, he was arrested and remanded to judicial custody on the same day. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would



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submit that though no previous case is pending against the petitioner, however the petitioner involved in heinous nature of offence. If he is released on bail, he may abscond and there will be no progress in the trial. Hence, he vehemently objected to grant bail to the petitioner.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration and no previous case is pending against the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. 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 III Additional Sessions Court, Tirunelveli and on further conditions that:

(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 learned III Additional Sessions Court, Tirunelveli, on each and every hearing date, failing which, the bail granted to the petitioner by this Court shall stand automatically vacated.



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(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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/01/2024

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05/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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1.The III Additional Sessions Judge,
Tirunelveli.

2.The Inspector of Police,
Thatchanallur Police Station,

3.The Superintendent,
Central Jail, Palayamkottai.

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

+1 CC to M/s.R.MANOJ KUMAR, Advocate (SR-201[I] dated 05/01/2024)

ORDER

IN

CRL OP(MD) No.23620 of 2023

Date :05/01/2024

ED/ /SAR- (05/01/2024) 5P / 6C

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