



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

Tuesday, the Fifth day of July Two Thousand Sixteen
PRESENT

WEB COPY

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11043 of 2016

SANKAR

..PETITIONER/ACCUSED No.3

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
MANAMADURAI,
SIVAGANGAI DISTRICT.
CRIME NO. 590 OF 2008

..RESPONDENT/COMPLAINANT

For Petitioner : M/S R.BALAMURUGANANTHAM Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.3, who was arrested and remanded to judicial custody on 02.06.2016 for the alleged offences punishable under Sections 147, 341, 294(b) I.P.C. and Section 3 of TNPPDL Act, in Crime No.590 of 2008, on the file of the respondent police and hence, seek bail.

2.The learned counsel for the petitioner submitted that due non-appearance before the learned Judicial Magistrate, Manamadurai on 15.12.2014, non-bailable warrant was issued against him and thereafter he was arrested and remanded to judicial custody. According to the petitioner, he had no knowledge about the hearing date and due to that he did not attend the Court on that day. The petitioner is in judicial custody from 02.06.2016 and prayed for enlarge the petitioner on bail.

3.The learned Government Advocate(Crl.side) submitted that charge sheet has been filed and taken on file in P.R.C.No.82 of 2008 on the file of the learned Judicial Magistrate, Manamadurai and the petitioner was already granted bail and subsequently he jumped out of bail and he was absconding and due to his non-appearance before the learned Judicial Magistrate, Manamadurai, on 15.12.2014, non-bailable warrant has been issued against him and thereafter he was secured only on 02.06.2016 and the earlier petition for bail filed by him was dismissed vide order dated 22.06.2016 made in Crl.O.P(MD) No.9810 of 2016. The petitioner is having no previous case.

4.Considering the facts and circumstances of the case and also the nature of allegations against the petitioner and offences committed by him and he is in judicial custody from 02.06.2016 and



he is having no previous case, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) 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 learned Judicial Magistrate, Manamadurai, Sivagangai District.
- (ii) the petitioner shall report before the said Court daily twice i.e., at 10.30 a.m. and 05.00 p.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or 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 in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

5.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

05/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MANAMADURAI, SIVAGANGAI DISTRICT.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, MANAMADURAI POLICE STATION, MANAMADURAI, SIVAGANGAI DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S R.BALAMURUGANANTHAM Advocate SR.No.34851

ORDER IN

CRL OP(MD) No.11043 of 2016

Date : 05/07/2016

PBK/SK-SKN/SAR-III 05/07/2016 ::2P-7C::