



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

Tuesday, the Fifth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11052 and 11065 of 2016

1 RAJA

2 SATHEESH

... PETITIONERS/ACCUSED No.10, 16
IN CRL OP(MD) No.11052 of 2016

YAASIN

... PETITIONERS/ACCUSED No.11
IN CRL OP(MD) No.11065 of 2016

Vs

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

... RESPONDENT/COMPLAINANT IN
BOTH CASES

For Petitioner : M/S R.BALAMURUGANANTHAM Advocate
IN CRL OP(MD)NO.11052 OF 2016.

For Petitioner : M/S.N.ANANTHAKUMAR, Advocate
IN CRL OP(MD)NO.11065 OF 2016.

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)
IN BOTH CASES.

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.10,11 and 16, who were 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 petitioners submitted that due non-appearance before the learned Judicial Magistrate, Manamadurai on 15.12.2014, non-bailable warrant was issued against them and thereafter they were arrested and remanded to judicial custody. According to the petitioners, they had no knowledge about the hearing date and due to that they did not attend the Court on that day. The petitioners are in judicial custody from 02.06.2016 and prayed for enlarge the petitioners 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 petitioners were already granted bail and subsequently they jumped out of bail and they were absconding and due to their non-appearance before the learned



Judicial Magistrate, Manamadurai, on 15.12.2014, non-bailable warrant has been issued against them and thereafter they were secured only on 02.06.2016 and the earlier petition for bail filed by them was dismissed vide order dated 22.06.2016 made in Crl.O.P(MD)No.9809 of 2016. The petitioners are having no previous case.

4. Considering the facts and circumstances of the case and also the nature of allegations against the petitioners and offences committed by them and they are in judicial custody from 02.06.2016 and they are having no previous case, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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 petitioners shall report before the said Court police daily twice i.e., at 10.30 a.m. and 05.00 p.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 Crl side), as to whether the petitioners are 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 DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE INSPECTOR OF POLICE, MANAMADURAI POLICE STATION, MANAMADURAI, SIVAGANGAI DISTRICT.

+1. CC to M/S R.BALAMURUGANANTHAM Advocate SR.No.34850
+1CC to M/S.N.ANANDAKUMAR, Advocate, SR.No. 34942.

ORDER IN

CRL OP(MD) No.11052 and 11065 of 2016
Date :05/07/2016