



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

Wednesday, the Sixth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11159 of 2016

VEERAPANDI

... PETITIONER/ ACCUSED No.4

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
DINDIGUL TOWN POLICE STATION,
DINDIGUL DISTRICT.
CR.NO.504/2006

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S I.SABEER MOHAMED Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

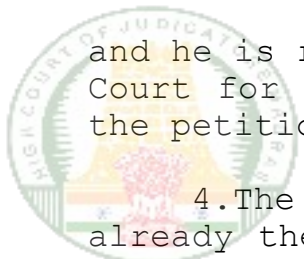
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused No.4 was arrested and remanded to judicial custody on 07.06.2016 for the alleged offences punishable under Sections 147,148,302 of IPC r/w. Section 34, 149 and 506(ii) of IPC in Crime No.504 of 2006, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that on 30.05.2006 at about 9.00 am when the defacto complainant along with three other witnesses were coming to the Court for giving evidence in a case, the petitioner along with other accused persons unlawfully assembled with deadly weapons and attacked the de facto complainant and his brother in law and also threatened the witnesses with dire consequences. Due to which, the brother in law of the defacto complainant died. On complaint, a case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner's name is not found in FIR and the investigation is completed and the Charge Sheet is filed and the same is taken on file in PRC.No.32 of 2006. He further submitted that the case was posted for trial on 06.06.2016, but, the petitioner could not appear before the learned Judicial Magistrate No.II, Dindigul and hence, Non Bailable Warrant was issued against the petitioner and subsequently, he was arrested and remanded to judicial custody on 07.06.2016. He further contended that the petitioner is innocent and he has not committed any offence as alleged by the prosecution



and he is ready to co-operate with trial and appear before the trial Court for all future hearings without fail and prays for enlarging the petitioner on bail.

4.The learned Government Advocate(Crl.side) submitted that already the charge sheet has been filed and the the same is taken on filed and the trial is commenced. He further contended that the petitioner did not appear for one hearing and hence, Non Bailable Warrant was issued and he was arrested and remanded to judicial custody on 07.06.2016 and prays for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the charge sheet has already been filed and that the trial is commenced, 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 No.II, Dindigul.
- (ii) the petitioner shall appear before the above said Magistrate daily at 10.30 am for a period of two weeks and thereafter, the petitioner shall appear before the Trial Court for all future hearings without fail.
- (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].

6.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/-
06/07/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, DINDIGUL TOWN POLICE STATION,
DINDIGUL DISTRICT.

5 THE OFFICER INCHARGE, SUB JAIL, DINDIGUL DISTRICT.

+1. CC to M/S I.SABEER MOHAMED Advocate SR.No.35087

TRP

JM/NGM-SK/SAR-III/06.07.2016/3P-7C

ORDER

IN

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Date :06/07/2016