



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11464 of 2016

NAGAR @ NAGAMUTHU

... PETITIONER/ACCUSED NO.6

Vs

STATE REP.BY THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 639 OF 2006)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.ILAYARAJA Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

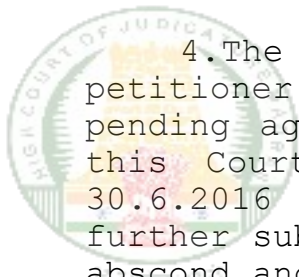
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused No.6 was arrested and remanded to judicial custody on 26.05.2016 and subsequently on 01.07.2016 he remanded through PT warrant in S.C.No.163 of 2009 on the file of the Sessions Judge, Special Court for Exclusive Trail of cases under SC/ST (POA) Act, Sivagangai by the respondent Police for the alleged offences punishable under Sections 147,341 r/w. 3(1)(x) of SC/ST act, 1989 in Crime No.639 of 2009, and hence, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused waylaid the bus and made the defacto complainant to get down from the bus and abused him by using Caste name and also attacked him and the charge sheet has been filed in this crime number. The petitioner did not appear before the Court on 12.08.2015 and hence, non bailable warrant was issued against the petitioner. In the meantime, the petitioner involved in two other crime numbers and he was arrested for his involvement and petitioner filed Crl.O.P (MD).Nos. 10008 and 10009 of 2016 for bail and this Court by order dated 30.06.2016 enlarged the petitioner on bail. On 01.07.2016, the petitioner was arrested in execution of non bailable warrant, through P.T warrant.

3. The learned counsel for the petitioner submitted that the Petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the other accused are acquitted.



4.The learned Government Advocate(Crl.side) submitted that the petitioner suppressed the fact that non bailable warrant was pending against the petitioner, when he was enlarged on bail by this Court in Crl.O.P(MD).Nos. 10008 and 10009 of 2016, dated 30.6.2016 in Crime Nos. 266 and 270 of 2016 respectively. He further submitted that if the petitioner is enlarged on bail he will abscond and the trial cannot be proceeded. He further contended that non bailable warrant was issued against the petitioner on 12.08.2015 and he was arrested only on 01.07.2016 and in the mean time he was enlarged on bail in two crime numbers and prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that all the named accused were acquitted, based on the compromise and the case is posted only against the petitioner, 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 Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai.

(ii) the petitioner shall appear before the Court concerned daily at 10.30 am 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]**.

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/-

13/07/2016

/ TRUE COPY /

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



TO

- 1 SESSIONS JUDGE, SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER SC/ST (POA) ACT, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE, MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.ILAYARAJA Advocate SR.No. 36076
JA-SK-SKN-SAR.I/13.07.2016/2P:6C

ORDER

IN

CRL OP (MD) No.11464 of 2016

Date :13/07/2016