



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

Friday, the Fifteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11820 of 2016

SHANMUGAVEL

... PETITIONER/ACCUSED No.1

Vs

STATE, REP. BY

THE INSPECTOR OF POLICE

EMANESWARAM POLICE STATION,

RAMNAD DISTRICT, CR NO. 33/2010.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S D.RAMESHKUMAR Advocate

For Respondent : 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.1, who was arrested and remanded to judicial custody on 04.07.2016 for the alleged offences punishable under Sections 294(b), 341, 324, 307 I.P.C., Section 3(1)(x), 3(2)(v) of SC/St (POA) Act and Section 34 IPC, in Spl.S.C.No.145 of 2010 on the file of the Principal District and Sessions Court, Ramanathapuram and hence, seeks bail.

2.The learned counsel for the petitioner submitted that due non-appearance before the learned Principal District and Sessions Judge, Ramanathapuram on 27.06.2016, non-bailable warrant was issued against him and thereafter he was arrested and remanded to judicial custody. According to the petitioner, due to miscommunication between his counsel and him, he did not attend the Court on that day. The petitioner is in judicial custody from 04.07.2016 and prayed for enlarge the petitioner on bail.

3.The learned Government Advocate(Crl.side) submitted that the petitioner was already granted bail and subsequently he jumped out of bail and due to his non-appearance before the Principal District and Sessions Court, Ramanathapuram, on 27.06.2016, non-bailable warrant has been issued against him and thereafter he was secured only on 04.07.2016.

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 04.07.2016, 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 Principal District and Sessions Judge, Ramanathapuram
- (ii) the petitioner shall report before the said Court daily at 10.30 a.m. for a period of two weeks and thereafter in all future hearings regularly.
- (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/-
15/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, RAMANATHAPURAM.
- 2 THE OFFICER IN CHARGE,
DISTRICT PRISON, RAMANATHAPURAM
- 3 THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION, RAMNAD DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S D.RAMESHKUMAR Advocate SR.No.36810

ORDER
IN
CRL OP(MD) No.11820 of 2016
Date :15/07/2016