



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

Friday, the Twenty Second day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12258 of 2016

KUKMAR @ SIVAKUMAR

... PETITIONER / ACCUSED No.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
TUTICORIN,
CR NO. 505 OF 2008.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S B.N.RAJA 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 is arrayed as accused No.3, who was arrested and remanded to judicial custody on 01.06.2016 for the alleged offences punishable under Sections 341, 392, 506(ii) of IPC and Section 3,4 of Indian Electricity Act altered into 392, 506(ii) of IPC and Section 3,4 of Explosives Substances Act, in P.R.C.No.1 of 2010, on the file of the learned Judicial Magistrate No.II, Tuticorin and hence, seeks bail.

2. It is submitted by the learned counsel for the petitioner that the petitioner was regularly appearing before the Judicial Magistrate No.II, Tuticorin. Due to the ill-health of the petitioner, he was not able to appear before the trial Court on the date of hearing and as such Non-Bailable Warrant was issued against the petitioner herein on 12.04.2016. The petitioner was arrested on 01.06.2016.

3. The learned Government Advocate (Crl. Side) submitted that deliberately the petitioner did not appear before the Trial Court and therefore, Non-Bailable Warrant was issued on 12.04.2016 and he was arrested on 22.07.2016.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioner was not present when the matter was called on 12.04.2016 and Non-Bailable Warrant was issued and he is in judicial custody from 01.06.2016, 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:

The petitioner shall execute a bond for a sum of
Rs.10,000/- (Rupees ten thousand only) with two
sureties for a like sum to the satisfaction of the



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- learned Judicial Magistrate No.II, Tuticorin.
- (ii) the petitioner shall report before the learned Judicial Magistrate No.II, Tuticorin daily at 10.30 a.m., for a period of two weeks and thereafter, appear before the said Court in all future hearing dates, 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].

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/-

22/07/2016

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
TUTICORIN.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
TUTICORIN,

+1. CC to M/S B.N.RAJA MOHAMED Advocate SR.No.38681.

ORDER

IN

CRL OP(MD) No.12258 of 2016

Date :22/07/2016

AM/SK.SKN/SAR-II/22.07.2016/2P/7C