



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.12472 of 2016

SARAVANAN,

..PETITIONER/ACCUSED No.5

Vs.

STATE REP.BY

THE SUB INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

(CRIME NO.358 OF 2011)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S V.S.KUMARAGURU Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

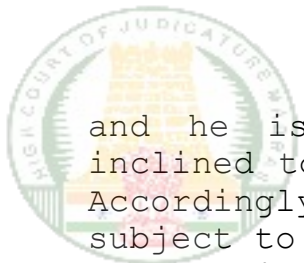
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.5, who was arrested and remanded to judicial custody on 11.07.2016 for the alleged offences punishable under Sections 147, 302, 201 of IPC r/w Section 149 of IPC in S.C.No.143 of 2011, on the file of the District and Sessions Judge, Sivagangai and hence, seeks bail.

2. It is submitted by the learned counsel for the petitioner that the petitioner was regularly appearing before the District and Sessions Court, Sivagangai. On 03.06.2016 there was no Presiding Officer before the District and Sessions Court, Sivagangai. Therefore, the petitioner returned to home. Subsequently, the case was called on the same day in the Mahila Court and Non-Bailable Warrant was issued as the petitioner was not present when the matter was called. The petitioner was arrested on 11.07.2016. The absence of the petitioner when the matter was called is due to the fact that he did not know the case would be called in another Court, when there was no Presiding Officer in the Regular Court.

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 03.06.2016 and he was arrested on 11.07.2016.

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 03.06.2016 and Non-Bailable Warrant was issued



and he is in judicial custody from 11.07.2016, 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 for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai.

(ii) the petitioner shall report before the learned Judicial Magistrate No.I, Sivagangai daily daily at 10.30 a.m., for a period of two weeks and thereafter appear before the District and Sessions Court, Sivagangai for 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

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE DISTRICT AND SESSIONS JUDGE, SIVAGANGAI.

4 THE SUB INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

6 THE OFFICER-IN-CHARGE, SUB JAIL, SIVAGANGAI.

+1. CC to M/S V.S.KUMARAGURU Advocate SR.No.38712

ORDER IN

CRL OP(MD) No.12472 of 2016

Date : 22/07/2016