



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

Friday, the Fifth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13932 of 2016

KARUPPASAMY

..PETITIONER/ACCUSED No.13

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT
CR. NO. 482 OF 1998

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU 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 who is arrayed as A13 was arrested and remanded to judicial custody on 18.07.2016 for the alleged offences punishable under Sections 147,148,427 of IPC r/w. Section 3(1)(x) of SC/ST (POA) Act, in Spl.S.C.No.185 of 2009, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner abused the defacto complainant by using his Caste name and damaged the bus glasses. On complaint, a case has been registered for the above said offences in the year 1998.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that originally, case has been registered in the year 1998, after completing the investigation, the respondent Police filed final report and the same was taken on file in Spl.S.C.No.185 of 2009 on the file of the learned Principal and Sessions Judge, Ramanathapuram. After receiving summons from the Court, the petitioner was regularly appeared before the Court from 2009 to 2011 and the learned Judge did not frame the charges, since some of accused are absconding. Further, the petitioner is poor and he is only breadwinner of his family and therefore, he went to Gujarat for his employment and NBW was issued on 23.12.2011 and he was arrested on 18.07.2016.

4.The learned Government Advocate(Crl.side) submitted that petitioner did not appear from 2011 onwards and therefore, NBW was issued in the year 2011 and it was executed after 4 ½ years and he was arrested only on 18.07.2016. He further submitted that the



accused persons are absent one after other and hence, the charges are not framed. If the petitioner is enlarged on bail, he will abscond and tamper the witness and hamper the investigation and prayed for dismissal of this petition.

5. Considering the nature of allegations levelled 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 Principal District and Sessions Judge, Ramanathapuram.
- (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/-

05/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, RAMANATHAPURAM.
- 2 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE OFFICER-IN-CHARGE, DISTRICT JAIL, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE, PARAMAKUDI TOWN POLICE STATION, RAMANATHAPURAM DISTRICT.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.42407

ORDER IN

CRL OP(MD) No.13932 of 2016

Date :05/08/2016