



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

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.14669 of 2016

S.ASHOK KUMAR

... PETITIONER/ACCUSED NO.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.
(CR.NO.420 OF 2005)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.BANUMATHI 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 who is arrayed as A4 was arrested and remanded to judicial custody on 05.06.2016 for the alleged offences punishable under Section 399 of IPC in PRC.No.62 of 2006 on the file of the learned Judicial Magistrate No.VI, Madurai in Crime No.420 of 2005, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused attempted to commit decoity. On complaint, a case has been registered for the above said offences.

3. According to the petitioner, due to the non-appearance before the learned Judicial Magistrate No.VI, Madurai on 03.11.2014, NBW was issued against the petitioner and thereafter, he was arrested and remanded to judicial custody. Due to the stomach pain, he did not appear before the Court on that day. The petitioner is in judicial custody from 05.06.2016.

4. The learned counsel appearing for the petitioner submitted that the petitioner's sister marriage was fixed on 04.09.2016 and the petitioner undertake to appear before the trial Court regularly and prays for enlarging the petitioner on bail.

5.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 Judicial Magistrate No.VI, Madurai on 03.11.2014, NBW has been issued against him and thereafter, he was secured only on 05.06.2016. He



further submitted that the final report is filed and the same is taken on file in PRC.No.62 of 2006 on the file of the learned Judicial Magistrate No.VI, Madurai and if the petitioner is enlarged on bail he will abscond and trial cannot be proceeded with and prayed for dismissal of this petition.

6.Considering the fact that the petitioner is in judicial custody from 05.06.2016 and the contention of the learned counsel for the petitioner that the petitioner's sister marriage is fixed on 04.09.2016, 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 Judicial Magistrate No.VI, Madurai
- (ii) the petitioner shall appear before the trial Court daily at 10.30 am for a period of four weeks (except on 04.09.2016) and thereafter, he shall appear before the trial Court on 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]**.

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/-

24/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.A.BANUMATHI Advocate SR.No.46736

ORDER

IN

CRL OP (MD) No.14669 of 2016

Date : 24/08/2016

PA/SKS-RR/SAR III/24.08.2016/3P/7C