



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

Tuesday, the Sixteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14841 of 2016

SELVAM

... PETITIONER/ ACCUSED No.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KALLAKUDI P.S., TRICHY DISTRICT.
CR.NO.5 OF 2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LENIN KUMAR Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl.Side)

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

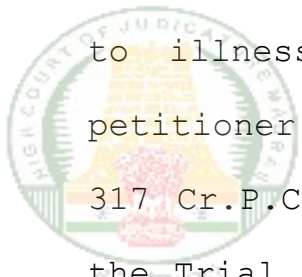
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.3, who was arrested and remanded to judicial custody on 30.06.2016 for the alleged offence punishable under Section 302 IPC, in Crime No.5 of 2014, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that after enlarged on bail by the Trial Court, by order, on 21.07.2014, in Cr.M.P.No.2956 of 2014, the petitioner did not appear before the Court on 22.06.2016, hence, non-bailable warrant was issued against the petitioner and subsequently, on 30.06.2016, the petitioner was arrested and remanded to judicial custody.

3. It is represented by the learned counsel for the petitioner that the petitioner was charged for the offence under Section 302

IPC. The petitioner was enlarged on bail by the learned Judicial Magistrate, Lalgudi, on 21.07.2014, in Cr.M.P.No.2956 of 2014. Due



to illness, the petitioner did not appear on 22.06.2016. The petitioner instructed his advocate to file a petition under Section 317 Cr.P.C. On the date, his counsel did not file petition before the Trial Court. Therefore, the Trial Court has issued non-bailable warrant against the petitioner on 22.06.2016 and subsequently, the petitioner was arrested on 30.06.2016.

4.The learned Government Advocate(Crl.side) submitted that after enlarged on bail, the petitioner did not appear before the Court on 22.06.2016. Hence, non-bailable warrant was issued against the petitioner on 22.06.2016 and subsequently, the petitioner was arrested on 30.06.2016. Investigation is pending. If the petitioner is released on bail, he will again abscond.

5.Considering the fact that this petitioner was enlarged on bail and he was regularly appeared for all hearings and on 22.06.2016, due to illness, the petitioner did not appear before the Court and instructed his advocate to file a petition under Section 317 Cr.P.C., but his advocate did not file the petition on the said date and also considering the fact that the petitioner is in judicial custody from 30.06.2016, 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:

- (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 II-Additional District Judge, Trichy.

(ii) the petitioner shall report before the Court daily, for two weeks and thereafter on all



future hearings.

(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/-
16/08/2016

/ TRUE COPY /

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

TO

1 THE II ADDITIONAL DISTRICT JUDGE, TRICHY
2 DO THROUGH THE PRINCIPAL DISTRICT JUDGE
TRICHY
3 THE INSPECTOR OF POLICE,
KALLAKUDI P.S., TRICHY DISTRICT.
4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY
5 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.44636

jam/16.08.16/GSV-PM/3P-7C