



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

Thursday, the Eighteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15110 of 2016

PANDI SELVAM @ PANDI

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
KARAIKUDI FOR KUNDARAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

CR. NO.52/2002

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.AJU TAGORE 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 sole accused, who was arrested and remanded to judicial custody on 16.07.2016 for the alleged offences punishable under Sections 294(b) and 324 I.P.C., and Section 3(i)(x) of SC/ST Act @ Sections 341, 324, 342 IPC read with Section 3(i)(x) of SC/ST Act, 1989, in S.C.No.358 of 2009 on the file of the Special Court for SC/ST Act and PCR Act Cases, Sivagangai, and hence, seeks bail.

2.The learned counsel for the petitioner submitted that due to non-appearance before the learned Special Judge for SC/ST Act and PCR Act Cases, Sivagangai on 29.02.2016, non-bailable warrant was issued against him and the same was executed and the petitioner was arrested on 16.07.2016. He would further submit that due to ill-health, the petitioner did not attend the Court on that day. The petitioner is in judicial custody from 16.07.2016 and prayed for enlarge the petitioner on bail.

3.The learned counsel for the petitioner submitted that the petitioner will undertake to abide any condition imposed by this Court.

4.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 learned Special Judge for SC/ST Act and PCR Act Cases, Sivagangai, on 29.02.2016, non-bailable warrant has been issued against him and thereafter he was secured only on 16.07.2016. If the petitioner is enlarged on bail, again he will abscond and trial cannot be proceed with.



5. Considering the facts and circumstances of the case and also the nature of allegations against the petitioner and offences committed by him and he is in judicial custody from 16.07.2016, 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 each for a like sum to the satisfaction of the learned Special Judge for SC/ST Act and PCR Act Cases, Sivagangai.
- (ii) the petitioner shall report before the said Court daily at 10.30 a.m. for a period of four weeks and thereafter in all future hearings regularly.
- (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/-

18/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE SPECIAL JUDGE FOR SC/ST ACT AND PCR ACT CASES, SIVAGANGAI.
- 2 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE, KARAIKUDI FOR KUNDARAKUDI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE OFFICER-IN-CHARGE, SUB JAIL, THIRUPPATHUR, SIVAGANGAI DISTRICT.

+1. CC to M/S.P.AJU TAGORE Advocate SR.No.45300

ORDER IN

CRL OP(MD) No.15110 of 2016

Date :18/08/2016