



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16261 of 2016

SATHISH @ ELARASI SATHISH

... PETITIONER/ACCUSED NO.15

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION, MADURAI DISTRICT.
(CRIME NO.633/2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.BALAJI Advocate

For Respondent : M/S.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.15, who was arrested and remanded to judicial custody on 18.07.2016 for the alleged offences punishable under Sections 120(b) read with 302 and 109 I.P.C. @ Sections 147, 148, 341, 302 and read with 149, 212, 201 IPC and Sections 4 and 5 Explosives Substances Act, 1980, in P.R.C.No.16 of 2015 on the file of the learned Judicial Magistrate No.V, Madurai and hence, seeks bail.

2.The learned counsel for the petitioner submitted that due non-appearance before the learned Judicial Magistrate No.V, Madurai on 23.06.2016 non-bailable warrant was issued against the petitioner and thereafter he was arrested and remanded to judicial custody on 18.07.2016. According to the petitioner, he was enlarged on bail and after completing investigation, charge sheet has been filed and taken on file in P.R.C.No.16 of 2015 and he is appearing before the learned Judicial Magistrate No.V, Madurai for every hearing and due to ill-health, he could not appear before the Court on 23.06.2016 and he asked his Advocate to file a petition for dispensing with his appearance, but he failed to file a petition. The petitioner is in judicial custody from 18.07.2016 and prayed for enlarge the petitioner on bail.

3.The learned counsel for the petitioner submitted that non-appearance of the petitioner before the Court, is neither willful nor wanton, but only due to his ill-health, he could not appear before the Court on 23.06.2016.

4.The learned Government Advocate(Crl.side) submitted that the petitioner is having three previous cases and trial is not yet commenced.



5. Considering the facts and circumstances of the case and also considering the reason given by the petitioner for his non-appearance and he is in judicial custody from 18.07.2016, 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 Judicial Magistrate No.V, Madurai.
- (ii) the petitioner shall report before the said Court daily at 10.30 a.m. for a period of four weeks and subsequently 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/-

01/09/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
 3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 4. THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION, MADURAI DISTRICT.
 5. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- +1. CC to M/S.V.BALAJI Advocate SR.No.49238
RL/7C/2P/AAL/MPA/SARIII/1/9/2016

ORDER

IN

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Date : 01/09/2016