



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

Tuesday, the Twentieth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) No.17771 of 2016

SATHANANTHAN @ SETHU

... PETITIONER / ACCUSED No.5

Vs

STATE REPRESENTED BY

THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION,
CR NO. 160 OF 2013
KANYAKUMARI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

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

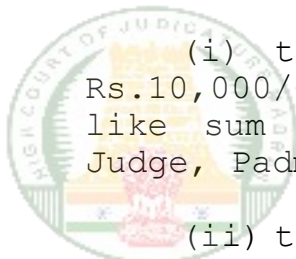
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.5, who was arrested and remanded to judicial custody on 21.06.2016 for the alleged offences punishable under Section 3(1) of TNPPDL Act, in S.C.No.75 of 2016, on the file of the Assistant Sessions Court, Padmanabapuram and hence, seeks bail.

2.The learned counsel for the petitioner submitted that the petitioner was regularly appearing before the trial Court. Due to ill-health, the petitioner was not able to appear before the trial Court on the date of hearing and as such, Non-Bailable Warrant was issued against the petitioner on 21.04.2016. The petitioner was arrested on 21.06.2016.

3.The learned Government Advocate (Crl. side) submitted that the petitioner did not appear before the trial Court and therefore, Non-Bailable Warrant was issued on 21.04.2016 and he was arrested on 21.06.2016.

4.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 21.06.2016, 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 Assistant Sessions Judge, Padmanabapuram.

(ii) the petitioner shall report before the trial Court daily at 10.30 a.m., 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].

5.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/-

20/09/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE ASSISTANT SESSIONS JUDGE
PADMANABAPURAM. KANYAKUMARI DISTRICT
- 2 THE PRINCIPAL SESSIONS JUDGE
KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION, KANYAKUMARI DISTRICT
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, NAGERCOIL
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.53701

JAM/AAL-MPA/SAR III/20.09.16/ 2P-7C

ORDER

IN

CRL OP(MD) No.17771 of 2016

Date :20/09/2016