



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

Wednesday, the Twenty Third day of March Two Thousand Sixteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.1938 of 2016

MURUGAKUTTI

... PETITIONER / A-3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO. 262/2014.

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S S.SIVA ILAYARAJA, ADVOCATE

FOR RESPONDENT : MR.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, who was surrendered and remanded to judicial custody on 24.11.2015, for the offences punishable under Sections 307, 302 r/w 34 I.P.C., and Section 3(2)(v) of SC/ST Act, 120(b) I.P.C., in Crime No.262 of 2014, on the file of the respondent Police, seeks bail.

2. Heard Mr.S.Siva Ilayaraja, learned counsel appearing for the petitioner / third accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that on 20.05.2015 the petitioner / third accused was enlarged on interim bail by the learned II Additional Sessions Judge, Tirunelveli, for a period of one month, on condition that he should report before the learned Judicial Magistrate, Krishnagiri, every day. The petitioner / third accused complied with the said condition till 16.06.2015 and since he could not comply with the said condition for four days, on 21.07.2015, a non-bailable warrant was issued by the learned Judicial Magistrate No.V, Tirunelveli, against the petitioner / third accused. The petitioner / third accused voluntarily surrendered himself before the learned Judicial Magistrate No.V, Tirunelveli, on 24.11.2015, and is in incarceration since then.

4. The learned Government Advocate (Criminal Side) submitted that the co-accused / accused 7 and 8 are absconding and the non-bailable warrant issued against them is pending.

5. Under normal circumstances, when a person enlarged on bail jumps the bail subsequently, this Court will not grant bail for the second time for him. However, in this case, it is seen that the petitioner / third accused had not complied with the bail condition imposed by the learned II Additional Sessions Judge, Tirunelveli, only for four days and



immediately on 24.11.2015 he surrendered himself before the learned Judicial Magistrate No.V, Tirunelveli. Under such circumstances, taking into consideration the conduct of the petitioner / third accused, this Court is of the view that this is a fit case to grant bail to him. Accordingly, he is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner / third accused shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties (of whom one surety must be his father or mother) each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli.
- (ii) the petitioner / third accused shall report before the learned Judicial Magistrate No.V, Tirunelveli, daily at 10.30 a.m., until the committal proceedings are over.
- (iii) the petitioner / third accused shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner / third accused 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 / third accused in accordance with law as if the conditions have been imposed and the petitioner / third accused 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/-
23/03/2016

/ TRUE COPY /

Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.5, TIRUNELVELI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
3. THE II ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
4. THE INSPECTOR OF POLICE, MUNNEERPALLAM POLICE STATION, TIRUNELVELI DISTRICT,
5. THE SUPERINTENDENT CENTRAL PRISON, PALAYAMKOTTAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 CC TO MR.S.SIVA ILAYARAJA, ADVOCATE IN SR NO. 16249