



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

Wednesday, the Second day of November Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20796 of 2016

LAKKAS MAVEERAN @ KUMAR

... PETITIONER/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.220 OF 2009)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.MUTHUSAMY Advocate

For Respondent : M/S.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

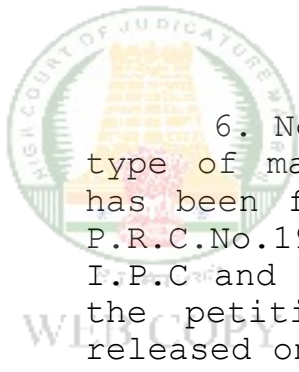
The petitioner, who was arrested and remanded to judicial custody on 02.10.2016 for the alleged offences punishable under Sections 452, 294(b), 324, 352, 427 and 506(ii) of I.P.C and Section 3 of TNPPDL Act in Crime No.220 of 2009 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. The learned counsel for the petitioner submits that a non-bailable warrant was issued against the petitioner for his non-appearance before the trial court for two hearings and it was on account of his busy work schedule, he was unable to appear before the trial court, which resulted in issuance of non-bailable warrant against him and pursuant to its execution of non-bailable warrant, he was secured on 05.10.2016.

4.The learned Government Advocate (Crl.Side) submitted that pursuant to execution of NBW, the petitioner has been in custody from 05.10.2016. She further submitted that charge-sheet has been filed in this case and it was taken on file in P.R.C.No.19 of 2010.

5.On perusal of the affidavit and the dismissal order passed in Cr.M.P.No.4363 of 2016, this Court is of the prima facie view that the petitioner was absent before the trial court for two hearings and hence, a non-bailable warrant was issued on 12.04.2011. It is astonishing to note that the police have taken five years to secure the petitioner/accused No.4.



6. Normally, this Court would not have granted bail in these type of matters. However, considering the fact that charge-sheet has been filed before the learned Judicial Magistrate, Tenkasi in P.R.C.No.19 of 2010 and also considering the various provisions of I.P.C and also TNPPDL Act, this Court is inclined to grant bail to the petitioner. 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 Judicial Magistrate, Tenkasi;

(ii) the petitioner is directed to appear before the trial court on all future hearing dates and after committal of the case, he shall appear before the committal court without fail;

(iii) the petitioner shall not leave the State of Tamilnadu without obtaining prior permission from the trial Court till the disposal of this case;

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the 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 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].

The learned Judicial Magistrate, Tenkasi is expected to take up P.R.C.No.19 of 2010 on day-to-day basis and shall not adjourn the matter beyond 10 working days at any point of time. Once the case is committed, the Committal Court is directed to proceed the matter without adjourning the matter beyond a period of two weeks at any point of time.

sd/-

02/11/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
TENKASI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.MUTHUSAMY Advocate SR.No.65050.

ORDER

IN

CRL OP(MD) No.20796 of 2016

Date :02/11/2016

AM/SS3/SAR-3/09.11.2016/3P/7C