



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

Tuesday, the Eighth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2175 of 2016

AHAMED ASLAM

...PETITIONER/ACCUSED NO.3

Vs.

THE INSPECTOR OF POLICE
ATHIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 297 OF 2001)

...RESPONDENT/COMPLAINANT

For Petitioner : M/S M.JEGADEESH PANDIAN 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 arrested and remanded to judicial custody on 13.12.2015 for the offences punishable under Sections 147, 148, 323, 326, 307, 436, 120(B), 304(II) IPC r/w Section 3(1)(x) of SC/ST Act in Crime No.297 of 2001 on the file of the respondent police, seeks bail.

2. Heard Mr.M.Jegadeeshpandian, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3.This is a case of the year 2001 and this petitioner was earlier released on bail. After completing the investigation, the respondent police filed a final report before the jurisdictional Court and for the non appearance of this petitioner, a non bailable warrant was issued on 04.11.2011. The case was split up as against this petitioner and it is stated that the trial Court had acquitted 22 others in SC No.22 of 2011 on 15.09.2011. The petitioner was working abroad and when he came to India, he was arrested by the respondent police on 13.12.2015 and he is incarceration since then. Taking into consideration the facts and circumstances of the case, this Court is of the view that this a fit case 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 hand over his passport to the trial Court;

(*) (ii) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties (one surety should be his wife and the learned I Additional Sessions Judge, (PCR) Court, Thanjavur, need not insist upon production of any property document with regard to her) for a like sum to the satisfaction of the learned I Additional Sessions Judge, (PCR) Court, Thanjavur,



[iii] the petitioner shall report before the respondent police every day at 6.30 p.m. until further orders.

[iv] the petitioner shall not tamper with 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 learned Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[vii] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioner is complying with the condition or not.

sd/-

08/03/2016

/ TRUE COPY /

**(*)Amended as per order dated.10.03.2016
and made in Crl.OP(MD)No.2175/2016**

Sub-Assistant Registrar(CS)

TO

(*)To be substituted order already despatched.

1 THE I ADDITIONAL SESSIONS JUDGE, (PCR) COURT, THANJAVUR.

2 -DO-THRO' THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

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

4 THE INSPECTOR OF POLICE, ATHIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S M.JEGADEESH PANDIAN Advocate SR.No.13661

akm/08.03.2016/2p-7c/GSV/PM/SAR-I

ORDER IN

CRL OP(MD) No.2175 of 2016

Date :08/03/2016

PBK/AAL-MPA/SAR-I 10/03/2016 ::2P-7C::