



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

Monday, the Fifth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.22867 of 2016

KUPPAMUTHU

... PETITIONER/ACCUSED No.3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUPPACHETHY POLICE STATION,
SIVAGANGAI DISTRICT.
CR.NO.153/2003

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.D.RAMESHKUMAR, ADVOCATE
FOR RESPONDENT : Mr.P.KANDASAMY, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

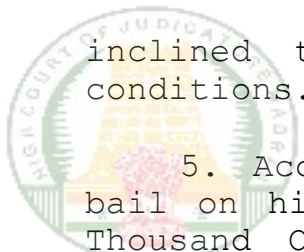
The petitioner, who was arrested and remanded to judicial custody on 24.11.2016, based on the NBW issued, due to non-appearance of the petitioner on 13.06.2016, for the offences punishable under Sections 147, 294(b) and 323 of IPC., and Section 3 (1)(x) of SC/ST (POA) Act, in Crime No.153 of 2003 and pending as S.C.No.119 of 2009 on the file of the Court of Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai, seeks bail.

2. The learned counsel for the petitioner submitted that initially, the petitioner was enlarged on bail and was regularly appearing before the trial Court and on 13.06.2016, due to non-appearance of the petitioner, a NBW was issued and subsequently, the petitioner was arrested on 24.11.2016.

3. The learned Government Advocate (crl.side) submitted that due to non-appearance of the petitioner, an NBW was issued and subsequently, the petitioner was arrested on 24.11.2016. However, he has not raised any objection for granting the relief of bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Considering the facts and circumstances of the case, I am



inclined to grant bail to the petitioner subject to certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai, and on further condition that:

[a] the petitioner shall report before concerned Court daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness during trial.

[c] the petitioner shall not abscond or absent without sufficient and acceptable reasons to the satisfaction of the trial Court during trial.

[d] 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]**.

sd/-
05/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER SC/ST (POA) ACT, SIVAGANGAI.
2. THE INSPECTOR OF POLICE,
THIRUPPACHETHY POLICE STATION,
SIVAGANGAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
4. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHIRAPPALLI.

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No. 79300

ORDER IN
CRL OP (MD) No.22867 of 2016
Date : 05/12/2016