



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

Tuesday, the Twentieth day of December Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.23588 of 2016

MARI @ MARIAPPAN

... PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
MUNNIRPALLAM POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 180 OF 2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENAKTESH Advocate

For Respondent : MR.P.KANDASAMY, 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 30.11.2016 pursuant to the NBW issued, due to non-appearance of the petitioner on 18.11.2016, for the offences punishable under Sections 307 & 379 of IPC., r/w. Section 21(1)(v) of the Mines and Minerals (Regulation and Development) Act, in Crime No.180 of 2014 and pending as P.R.C.No.11 of 2015, on the file of the learned Judicial Magistrate No.5, Tirunelveli, seeks bail.

2. The learned counsel for the petitioner submitted that totally there are three accused in this case and the petitioner herein is arrayed as A1 and charge sheet was laid and pending as P.R.C.No.11 of 2015 and the petitioner was arrested and remanded to Judicial custody on 30.11.2016 pursuant to the NBW issued and he is in custody.

3. The learned Government Advocate (crl.side) submitted that due to non-appearance of the petitioner, an NBW was issued on 21.01.2016 and thereafter fresh NBW was also issued on 18.11.2016 and subsequently, the petitioner was arrested on 30.11.2016 and he is in custody and because of pending of NBW against the petitioner, the committal proceedings is being delayed. However, he has not raised any objection for granting the relief of bail to the petitioner.



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 Judicial Magistrate No.V, Tirunelveli 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] the petitioner shall pay a sum of Rs.1500/- (One Thousand Five Hundred Only) to the District Legal Aid Service Authority, Tirunelveli.

[e] 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/-

20/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE OFFICER INCHARGE. DISTRICT LEGAL AID SERVICE AUTHORITY,
TIRUNELVELI.
- 6 THE SUB INSPECTOR OF POLICE, MUNNIRPALLAM POLICE STATION,
TIRUNELVELI DISTRICT,

+2. CC to M/S.D.VENAKTESH Advocate SR.No.82041,82016.

ORDER

IN

CRL OP(MD) No.23588 of 2016

Date :20/12/2016