



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

Thursday, the Twenty First day of April Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL OP(MD) No.5721 of 2016

WEB COPY

KASI

... PETITIONER/ACCUSED NO.5

Vs

STATE REP BY
THE DEPUTY SUPERINTENDENT OF POLICE,
SRIVAİKUNDAM SUB DIVISION,
SRIVAİKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.MOHIDEEN BASHA Advocate
For Respondent : MR.P.KANNI THEVAN, Govt. Advocate (Crl. Side)

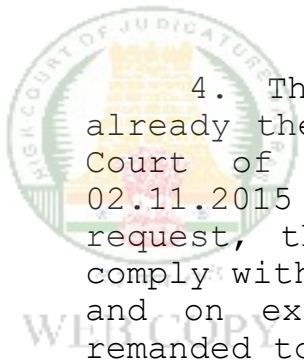
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 07.01.2016 by the respondent police for the alleged offences punishable under Sections 147, 148 and 302 IPC r/w 3(2)(v) of SC&ST (Prevention of Atrocities) Act, 1989, @ 147, 148 and 302 r/w 120(B) IPC r/w 3(2)(v) of SC& ST (Prevention of Atrocities) Act, 1989, in connection with the case registered in Crime No.102 of 2015 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with the other accused, attacked the deceased knowing fully well that he belongs to Scheduled Caste.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted against him. He further submitted that the petitioner was already granted interim bail by the Court of Sessions, Tirunelveli, in Cr.M.P.No.1938 of 2015, on 02.11.2015 on condition that he should appear before the learned Judicial Magistrate No.I, Salem, daily twice at 10.00 a.m., and 05.00 p.m., and subsequently, it was modified to the effect that he should appear before the learned Judicial Magistrate No.2, Trichy, daily twice at 10.00 a.m., and 05.00 p.m., and, thereafter, since the petitioner failed to comply with the condition, he was arrested and remanded to judicial custody, on execution of non-bailable warrant issued against him and he is in judicial custody from 07.01.2016 onwards. In the present case, after due investigation, final report was filed and the same was taken on file as P.R.C.No.8 of 2015 by the learned Judicial Magistrate, Srivaikundam. Therefore, the learned counsel prays for enlargement of the petitioner on bail.



4. The learned Additional Public Prosecutor submitted that already the petitioner was granted an order of interim bail by the Court of Sessions, Tirunelveli, in Cr.M.P.No.1938 of 2015 on 02.11.2015 subject to certain conditions and subsequently, on his request, the condition was modified, but the petitioner failed to comply with the condition and hence, non-bailable warrant was issued and on execution of the same, the petitioner was arrested and remanded to judicial custody on 07.01.2016. Now, the PRC proceedings is pending before the Court concerned. Such being the position, if he is released on bail, he will not attend the Court concerned regularly and hence, he prays for dismissal of this petition.

5. Considering the rival submissions made on either side and also considering the fact that though the Court of Sessions, Tirunelveli granted an interim bail to the petitioner and also modified the condition subsequently, on his request, he failed to comply with the condition imposed and, therefore, he was arrested and remanded to judicial custody on execution of non-bailable warrant issued against him and also the fact that the case is pending committal in P.R.C.No.8 of 2015, this Court is not inclined to grant bail to the petitioner at this stage and hence, this petition is dismissed.

sd/-

21/04/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIGUNDAM.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE II ADDITIONAL SESSIONS JUDGE, (PCR COURT), TIRUNELVELI.
- 4 THE SUPERINTENDENT CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDL. PUBLIC PROSECUTOR
MADRAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE DEPUTY SUPERINTENDENT OF POLICE, SRIVAIKUNDAM SUB DIVISION,
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT.

SML

CSL/SKS-RR/SAR-I/26.04.2016 : 2P/7C

ORDER

IN

CRL OP(MD) No.5721 of 2016

Date : 21/04/2016