



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

Wednesday, the Twenty Ninth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.9925 of 2016

MOHAMMED SABIR

... PETITIONER/SOLE ACCUSED
Vs

STATE REP BY THE INSPECTOR OF POLICE
THIRUVONAM POLICE STATION,
THANJAVUR DISTRICT,
CR NO. 242/2008.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.DEENADHAYALAN Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

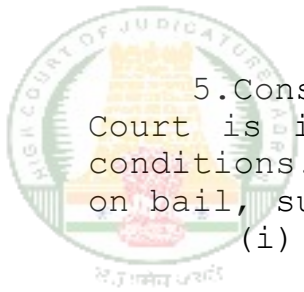
ORDER : The Court Made the following order :-

The petitioner who is arrayed as sole accused was arrested and remanded to judicial custody on 10.05.2016 for the alleged offences punishable under Sections 3(1)(x) of SC/ST Act 1989 in S.S.C.No.114 of 2013 in Crime No.242 of 2008, on the file of the respondent police and hence, seeks bail.

2. The petitioner charged for the above said offences and he was arrested and enlarged on bail and the case was committed to Court of Sessions and trial commenced before the First Additional District and Sessions Court(PCR), Thanjavur. The petitioner did not appear before the Court and hence, non-bailable warrant was issued on 20.01.2014 and the same could be executed only on 10.05.2016. As the petitioner left India, he was arrested only after issuing Look Out Circular and the earlier petition filed by the petitioner was dismissed by this Court in Crl.O.P(MD).No.8871 of 2016 on 09.06.2016. Now, the petitioner has come forward with this petition for enlarging him on bail.

3. The learned counsel appearing for the petitioner submitted that the petitioner will not abscond and any stringent condition may be imposed he will abide the condition without any default and prays for enlarging the petitioner on bail.

4. The learned Government Advocate (Crl. Side) submitted that the trial is pending and if the petitioner is enlarged on bail he will abscond and trial could not be proceeded with and prays for dismissal of this petition.



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5. Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail with certain conditions. 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 learned Judicial Magistrate, Orathanadu.
- (ii) the petitioner is directed to surrender his Passport and file an affidavit that he will not leave the jurisdiction of the trial Court without permission from the trial Court.
- (iii) the petitioner shall appear before the trial Court daily at 10.00 am and 5.00 pm for a period of four weeks and subsequently, on further hearings.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned 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 learned 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

29/06/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE, ORATHANADU
- 2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE, THIRUVONAM POLICE STATION,
THANJAVUR DISTRICT
- 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- 5 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.DEENADHAYALAN Advocate SR.No.33892

ORDER

IN

CRL OP(MD) No.9925 of 2016

Date : 29/06/2016