

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

Friday, the Tenth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.8465 of 2016

ESAKKIMUTHU

... PETITIONER/ACCUSED No.1

Vs

THE STAT REP.BY
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 102/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU 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 is arrayed as accused No.1, who was arrested and remanded to judicial custody on 29.04.2016 for the alleged offences punishable under Sections 147, 148 and 302 IPC read with Section 3(2)(v) SC/ST (POA) Act @ Sections 147, 148, 302 read with 120-B IPC and Section 3(2) (v) SC/ST (POA) Act, in Crime No.102 of 2015, on the file of the respondent police and hence, seeks bail.

2.According to the petitioner, he was charged for the offences under Sections 147, 148, 302 IPC read with Section 3(2)(v) SC/ST (POA) Act @ Sections 147, 148, 302 read with 120-B IPC and Section 3(2) (v) SC/ST (POA) Act. The petitioner was granted interim bail by the learned Second Additional District and Sessions Judge (PCR Court), Tirunelveli vide order dated 14.10.2015 made in in Cr.M.P.No.2121 of 2015 with a condition that he shall report before the XVII Metropolitan Magistrate, Chennai. But, he did not comply with the condition and therefore the learned Second Additional District and Sessions Judge (PCR Court), Tirunelveli has given a direction to the learned Judicial Magistrate, Srivaikundam to issue NBW against him and accordingly the learned Judicial Magistrate, Srivaikundam issued NBW against him on 06.01.2016 and based on the same he was arrested and remanded to judicial custody on 29.04.2016.

3.The learned counsel for the petitioner submitted that the father of the petitioner is suffering from illness and he was taking treatment in Government Rajaji Hospital, Madurai and the petitioner is attending him and therefore he was unable to comply with the condition imposed on him. The respondent filed charge sheet and the case was taken on file in S.C.No.50 of 2016.

4.The learned Government Advocate(Crl.side) submitted that the petitioner has been granted interim bail and he has not complied with the condition imposed on him and he jumped out of bail and if he is released on bail, he will abscond and trial cannot be proceeded and one previous case is pending against him and the case is pending before the learned Second Additional District and Sessions Judge (PCR Court), Tirunelveli and posted to 14.06.2016.

5.Considering the facts and circumstances of the case and considering the fact that the occurrence tookplace on 02.04.2015 and investigation was completed and case has been taken on file and also considering the reason given by the petitioner that due to illness of his father, he did not comply with the condition imposed on him by the Trial Court and he is in judicial custody from 20.04.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. 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 Second Additional District and Sessions Judge (PCR Court), Tirunelveli and on further condition that the petitioner shall appear before the learned Second Additional District and Sessions Judge (PCR Court), Tirunelveli daily at 10.30 a.m. until further orders.

sd/-

10/06/2016

/ TRUE COPY /

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

TO

1 THE SECOND ADDITIONAL DISTRICT AND SESSIONS JUDGE(PCR) COURT,
TIRUNELVELI.

2 DO THRO THE PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT
CENTRL PRISON, PALAYAMKOTTAI.

4 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE INSPECTOR OF POLICE
SRIVAISKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.29572.

ORDER

IN

CRL OP(MD) No.8465 of 2016

Date :10/06/2016