

Criminal Original Petition No.14724 of 2016

Dr.S.VIMALA, J.,

The case of the petitioner / fourth accused is that, he has been falsely implicated in a case for an offence under Section 302, 307, 324, 120(B) read with Section 34 IPC and remanded to Judicial custody, on 29.06.2015.

2. The allegation made in the complaint is that, on 14.03.2013, at about 07.30 pm, three unknown persons committed the murder of one Steal Ravi, who was a notorious rowdy in the locality and had many enemies and the petitioner's name was subsequently added in the case. Subsequently, on 11.07.2013, the petitioner was enlarged on bail by the learned Judicial Magistrate No.II, Erode, on the condition that he shall report before the Court daily at 10.00 am, until further orders and he was complying with the condition till 01.02.2015 without fail.

3. The further allegation of the petitioner is that on 01.02.2015, he was arrested for the offence under Section 387 IPC, in Crime No.317 of 2015 by the Inspector of Police, Thachanallur Police Station, and was remanded to the Judicial Custody; therefore, he could not comply with the condition imposed by the learned Judicial Magistrate No.II, Erode, on 02.02.2015 and hence, a non-bailable warrant was issued against him. Subsequently, on 29.06.2015, he was produced on PT warrant before the learned Judicial Magistrate No.II, Erode. In the meantime, he was granted bail for the second offence for which he was arrested in Crime no.317 of 2015 and now the peititioner is inside the prison, since 29.06.2015.

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4. The learned counsel for the accused / petitioner would submit that the Court issued Non-Bailable Warrant against the petitioner, for the non-appearance of him, while the petitioner was in confinement, in a connected case; but the connected case has ended in acquittal; the judgments, dated 27.07.2016, passed in S.C.Nos.74 and 75 of 2016, have also been produced before this Court.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would submit, that the pending case has been already split-up, because of the non-appearance of the petitioner herein and it has been taken on file in a separate number.

6. As the accused is available for trial, either split up case may be clubbed or simultaneous trial may be conducted. Considering the facts and circumstances of the case, bail is granted to the petitioner herein / fourth accused, 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 No.II, Erode;

ii) The petitioner shall appear before the respondent police, on each Monday and Wednesday, at 10.30 a.m, for a period of four weeks.

24.05.2017

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Note to office.: Issue order copy on 25.05.2017

Crl.O.P.No.14724 of 2016

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