

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.23837 of 2017

SUDHAKAR,

[PETITIONER / ACCUSED]

Vs

STATE REP.BY,
INSPECTOR OF POLICE (PEW),
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI,
NAGAPATTINAM DISTRICT.
(CR.NO.66 OF 2011)

[RESPONDENT]

For Petitioner : M/S.P.AYYASWAMY Advocate

For Respondent : MR.K.MATHAN Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

This is the third bail application and the earlier bail applications in Crl.O.P.No.14546 of 2017 was dismissed on 28.07.2017 and Crl.O.P.No.16397 of 2017 was dismissed on 21.08.2017. While dismissing the petition in Crl.O.P.No.16397 of 2017, this Court in paragraph No.4 has observed as follows:

" Though, the case has been committed to the Court of Sessions, this Court is not inclined to grant bail to the petitioner until the principal witnesses are examine in this case."

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side).

3.The case was taken on file in S.C.No.82/2017 and five witnesses have been examined by the trial Court. The matter stands adjourned to 12.12.2017 for examination of other witnesses. In such view of the matter, this Court is inclined to grant bail to the petitioner.

4. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Principal Sub Court/Assistant Sessions Judge, Mayiladuthurai and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Assistant Sessions Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the trial Court daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

05/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SUB COURT
ASSISTANT SESSIONS JUDGE,
MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER IN CHARGE
SUB-JAIL, MAYILADUTHURAI

5 STATE REP.BY,
INSPECTOR OF POLICE (PEW),
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI,
NAGAPATTINAM DISTRICT.

+1 CC to M/S.P.AYYASWAMY Advocate on payment of necessary
charges SR.NO. 22012

CRL OP.23837/2017

Date :05/12/2017

RD 07/12/2017