



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

CrI.A.(MD)No.447 of 2017

WEB COPY

Chinnadurai @ Chinna Uikattan @ Makkan ... Appellant

Vs.

1.The State Rep.by

The Inspector of Police,  
Gangaikondan Police Station,  
Tirunelveli District.

(Crime No.140 of 2012)

... Respondent

PRAYER: The Petition filed under Section 14-A(2) of SC / ST Act, to call for the records and set aside the order in Cr.M.P.No.2035 of 2017 in S.C.No.35 of 2017 dated 11.08.2017 on the file of the II Additional District and Sessions Court, Tirunelveli and enlarge the appellant on bail in S.C.No.35 of 2017 on the file of the II Additional District and Sessions Court, Tirunelveli.

For Appellant : Mr.S.Sundara Pandian

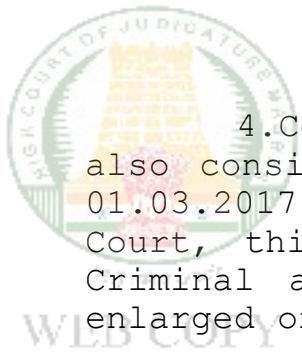
For Respondent : Mr.T.Mohan, APP

#### JUDGMENT

The appellant, who was arrested on 01.03.2017 under NBW for the offence punishable under Sections 147, 341, 294(b), 506(ii) of IPC r/w Section 3(1)(X) of SC/ST (POA) Act @ 147, 341, 506(i) of IPC r/w 3(1)(X) of SC/ST (POA) Act 1957 in Crime No.140 of 2012 on the file of the respondent Police, seeks bail.

2.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 10 accused in this case and the appellant herein is arrayed as A8 in S.C.No.35 of 2017 pending on the file of the II Additional District and Sessions Court, Tirunelveli. He further submitted that the appellant was absent on 14.01.2017 and NBW was issued against the appellant and the same was executed on 01.03.2017 and now the appellant is in judicial custody. He also submitted that charges have been framed in this case, but trial is not yet to be commenced and NBW was issued against the appellant for the first time.

3.The learned counsel for the appellant submitted that due to viral fever, the appellant was unable to appear before the concerned Court on 14.01.2017 and earlier the appellant was released on bail in this case. He also submitted that the absence of the appellant is neither willful nor wanton and the appellant is ready to co-operate with the trial without absence in future.



4. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in prison from 01.03.2017 and trial is not yet to be commenced by the concerned Court, this Court is inclined to grant bail. Accordingly, the Criminal appeal is allowed and the appellant is ordered to be enlarged on bail subject to the following conditions:-

[a] The appellant 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 II Additional District and Sessions Court, Tirunelveli.

[b] the appellant shall report before the concerned Sessions Court, daily at 10.30 a.m., until further orders.

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

[d] the appellant 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 appellant in accordance with law, as if the conditions have been imposed and the appellant 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].

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Second Additional District Judge,  
Tirunelveli.

2.The Inspector of Police,  
Gangaikondan Police Station,  
Tirunelveli District.

+1cc to M/S.S.Sundara Pandian, Advocate SR.No. 85624

Crl.A. (MD) No.447 of 2017  
07.11.2017

gns

JM/SKN RSK/SAR4/08.11.2017/2P/4C