



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

Monday, the Seventh day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and

The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL MP(MD) Nos.10721, 10722, 10802 and 10803 of 2016
and CRL MP(MD) .No.6107 of 2017 in
CRL A(MD) No.274 of 2011

G.RAMAIHA PANDIAN, ... PETITIONER/9th RESPONDENT
IN CRL MP(MD) .NO.10721/2016 IN CRL A(MD) .NO.274/2011

M.VALIVITTAN ... PETITIONER/10th RESPONDENT
IN CRL MP(MD) .NO.10722/2016 IN CRL A(MD) .NO.274/2011

M.RAMESH PANDI @ ROBERT ... PETITIONER/8th RESPONDENT
IN CRL MP(MD) .NO.10802/2016 IN CRL A(MD) .NO.274/2011

P.KANDASAMY ... PETITIONER/7th RESPONDENT
IN CRL MP(MD) .NO.10803/2016 IN CRL A(MD) .NO.274/2011

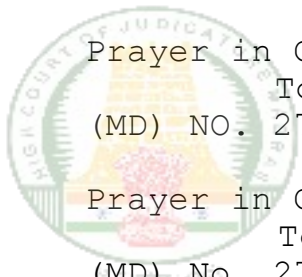
I.RUBAN ... PETITIONER/15th RESPONDENT
IN CRL MP(MD) .NO.6107/2017 IN CRL A(MD) .NO.274/2011
Vs

State represented by
THE INSPECTOR OF POLICE,
CBI/SCB/CHENNAI ... RESPONDENT/APPELLANT
in all the petitions

Prayer in CRL MP(MD) . 10721/ 2016 in CRL A(MD) No.274 of 2011 :
Petition praying that in the circumstances stated therein
and in the petition filed therewith the High Court will be pleased
to enlarge the Accused No.9/Petitioner on bail in Crl. A(MD) NO. 274
of 2011 on the file of this Honourable High Court and thus render
justice.

Prayer in CRL MP(MD) . 10722/ 2016 in CRL A(MD) No.274 of 2011 :
To enlarge the Petitioner /Accused NO.10 on bail in Crl. A
(MD) 274 of 2011 on the file of the Respondent Police.

Prayer in CRL MP(MD) . 10802/ 2016 in CRL A(MD) No.274 of 2011:
To enlarge the Accused No. 8 / Petitioner on bail in Crl. A
(MD) NO. 274 of 2011 on the file of the Honourable High court.



Prayer in CRL MP(MD). 10803/ 2016 in CRL A(MD) No.274 of 2011:
To enlarge the Accuse No. 7 / Petitioner on bail in Crl. A
(MD) NO. 274 of 2011 on the file of the Honourable High Court.

Prayer in CRL MP(MD). 6107/ 2017 in CRL A(MD) No.274 of 2011 :
To enlarge the Accused No.15/Petitioner on bail in Crl.A.
(MD).No. 274 of 2011 on the file of this Honourable High court

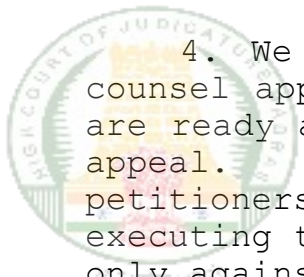
Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.Gopalakrishna Laxmana Raju, Senior Counsel for M/S.S.DEVASENA, Advocate for the petitioner in Crl.MP(MD).Nos.10721,10722 of 2016 in Crl.A(MD).No.274/2011 and Mr.G.Karuppasamy Pandian, Advocate for the petitioner in Crl.MP(MD).No.10802 of 2016 in Crl.A(MD).No.274/2011 and Mr.T.J.Ebenezer Charles, Advocate for the petitioner in Crl.MP(MD).No.10803 of 2016 in Crl.A(MD).No.274/2011 and Mr.M.Natarajan, Advocate for the petitioner in Crl.MP(MD).No.6107 of 2017 in Crl.A(MD).No.274/2011 and Mr.Nagendran, Special Public Prosecutor for the CBI Cases in all the petitions the court made the following order:-

(Common Order of the Court was made by M.M.SUNDRESH.J.,)

These petitions have been filed by the petitioners, who are arrayed as accused Nos.9, 10, 8, 7, 15, in S.C.No. 3 of 2009, on the file of the learned Principal District and Sessions Judge, Madurai, seeking to enlarge them on bail in Crl.A.(MD) No.274 of 2011, pending on the file of this Court.

2. The petitioners are arrayed as accused Nos.9, 10, 8, 7, 15, in S.C.No. 3 of 2009, on the file of the learned Principal District and Sessions Judge, Madurai. Accused Nos.1 to 17 were charge sheeted for the offences punishable under Sections 147, 148, 149, 302, 436, 449 IPC and Sections 4 and 5 of the Explosive Substances Act, 1908 and Section 4 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. Accused No.17 was charge-sheeted for the offence punishable under Sections 217 and 221 IPC. The learned Principal District and Sessions Judge, Madurai, by judgment dated 09.12.2009, acquitted the accused Nos.1 to 17. Aggrieved by the order of acquittal passed in S.C.No.3 of 2009, the Criminal Appeal has been preferred by the State.

3. It is the case of the petitioners that they engaged a counsel to contest the petition for condoning the delay in filing the Criminal Appeal. The petitioners entered appearance through their counsel. After condonation of the delay, the appeal has been numbered. Later, the counsel withdrew his appearance and the same was not known to them. Pursuant to which, non-bailable warrants have been issued against them. Subsequently, the non-bailable warrants issued against them have been executed and accordingly, they were arrested. Now the petitioners have engaged a counsel to appear on their behalf and he has also filed a memo of appearance before this Court. In such view of the matter, this Court is inclined to enlarge the petitioners on bail.



4. We also take note of the submissions made by the learned counsel appearing on behalf of the petitioners that the petitioners are ready and willing to co-operate for the earlier disposal of the appeal. Further, we take note of the period in which the petitioners were under custody, in pursuant to the arrest made in executing the non-bailable warrant, particularly, when the appeal is only against the order of acquittal.

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5. In fine, these petitions are ordered and the petitioners are enlarged on bail till the disposal of Criminal Appeal No. 274 of 2011 and the petitioners will be released on bail on each of them executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Chief Judicial Magistrate, Madurai, and on further condition that the petitioners shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m. until further orders.

sd/-

07/08/2017

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

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3 THE SUPERINTENDENT
CENTRAL PRISON, SALEM

4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

5 THE INSPECTOR OF POLICE,
CBI/SCB/CHENNAI

6 SPECIAL PUBLIC PROSECUTOR for CBI Cases
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+2. C.C. to M/S.S.DEVASENA Advocate SR.No.28269,28267
+1cc to Mr.G.Karuppasamy Pandian, Advocate Sr.No.28247
+1cc to Mr.T.J.Ebinenezzer Charles, Advocate Sr.No.28312
+1cc to Mr.M.Natarajan, Advocate SR.No.28333

ORDER

IN

CRL MP(MD) Nos.10721, 10722, 10802 and 10803 of 2016
and CRL MP(MD).No.6107 of 2017 in
CRL A(MD) No.274 of 2011

Date :07/08/2017