



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

Monday, the Eleventh day of September Two Thousand Seventeen

PRESENT

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

The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL MP(MD) No.8222 of 2017

IN

CRL A(MD) No.274 of 2011

MALIK BATCHA

... PETITIONER/ACCUSED NO.16

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
CBI/SCB/CHENNAI.

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Enlarge the Petitioner / Accused No. 16 on bail in Crl. A (MD) No. 274/2011 on the file of the Honourable Court.

Prayer in CRL A(MD). 274/ 2011 :

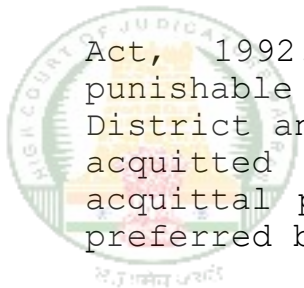
to set aside the Judgement dated 09.12.2009 in SC No.3/2009 on the file of the Hon'ble Principal District and Sessions Judge, Madurai

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.M.A.JINNAH, Advocate for the petitioner and of MR.NAGENDRAN, Special Public Prosecutor (CBI CASES) for the Respondent the court made the following order:-

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

This petition has been filed by the petitioner, who is arrayed as accused No.16 in S.C.No.3 of 2009, on the file of the learned Principal District and Sessions Judge, Madurai, seeking to enlarge him on bail in Crl.A.(MD) No.274 of 2011, pending on the file of this Court.

2. The petitioner is arrayed as accused No.16, 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 petitioner that he engaged a counsel to contest the petition for condoning the delay in filing the Criminal Appeal. The petitioner entered appearance through his counsel. After condonation of the delay, the appeal has been numbered. Later, the counsel withdrew his appearance and the same was not known to him. Pursuant to which, non-bailable warrant has been issued against him. Subsequently, the non-bailable warrant issued against him has been executed and accordingly, he was arrested. Now the petitioner has engaged a counsel to appear on his 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 petitioner on bail.

4. We also take note of the submissions made by the learned counsel appearing on behalf of the petitioner that the petitioner is ready and willing to co-operate for the earlier disposal of the appeal. Further, we take note of the period in which the petitioner was 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.

5. In fine, the petition is ordered and the petitioner is enlarged on bail till the disposal of Criminal Appeal No. 274 of 2011 and the petitioner will be released on bail on 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 petitioner 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/-
11/09/2017

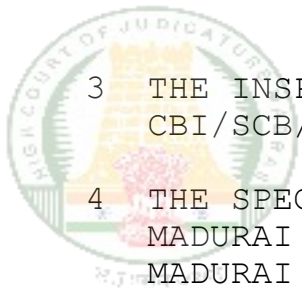
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE



3 THE INSPECTOR OF POLICE
CBI/SCB/CHENNAI.

4 THE SPECIAL PUBLIC PROSECUTOR, (CBI CASES)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

+1. C.C. to M/S.S.M.A.JINNAH Advocate SR.No.30453

ORDER

IN

CRL MP (MD) No.8222 of 2017

IN

CRL A (MD) No.274 of 2011

Date :11/09/2017

SMA/PM-PN/SAR-1/15.09.2017:2P/7C