



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

Thursday, the Seventh day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11791 of 2017

ESAKIAPPAN MANIKARAJ @ RAJA

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VALLIYOOR POLICE STATION, TIRUNELVELI DISTRICT.
CRIME NO.566/2012

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ANAND for M/S.SWARNAM J RAJAGOPALAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

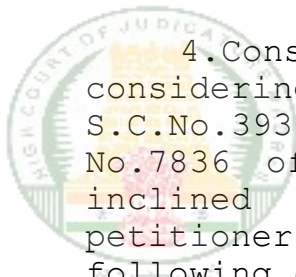
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / A1, who was arrested on 07.07.2017 for the offences punishable under Sections 302, 120(B), 294(b) and 506(ii) of IPC in Crime No.566 of 2017 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner would submit that prosecution has filed a petition to recall for examination of additional two witnesses and thereafter, additional witnesses were examined and the other accused has also filed a petition to recall PWs.1, 15 and 16 for further cross examination and it was partly allowed by the Trial Court. As against that order, the other accused have preferred a petition before this Court in Crl.O.P.(MD) No.11404 of 2017 and this Court by order dated 30.08.2017 granted interim stay in Crl.M.P.7836 of 2017, staying of the further proceedings in S.C.No.393 of 2013 on the file of the IV Additional Sessions Judge, Tirunelveli. Hence, the further proceedings in the trial before the sessions case is stayed as per order of this Court.

3.The learned Additional Public Prosecutor submitted on instructions that totally there are 4 accused in this case and the petitioner herein is arrayed as A1 in this case. Earlier bail petition filed by this petitioner was dismissed by this Court in Crl.M.P.(MD)No.9582 of 2017 dated 25.07.2017, directing the Trial Court to dispose of the the case in S.C.No.393 of 2013 as early as possible, preferably, within a period of two months from the date of receipt of copy of the order, since the said case is pending for argument stage. He further submitted that petitioner was arrested under NBW and he is now in judicial custody from 07.07.2017 onwards.



4.Considering the facts and circumstances of the case and considering the fact that further proceedings of the trial in S.C.No.393 of 2017 stayed by this Court as per order in Crl.M.P(MD) No.7836 of 2017 in Crl.O.P.(MD)No.11404 of 2017, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail 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 IV Additional Sessions Judge, Tirunelveli;

(ii)the petitioner is directed to appear before the learned IV Additional Sessions Judge, Tirunelvel daily at 10.30 a.m. until further orders;

(iii)if the petitioner fails to comply the said condition, the bail automatically stands cancel without reference of this Court;

(iv)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

(vi)on breach of any of the aforesaid conditions, the 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 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/-

07/09/2017

/ TRUE COPY /

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

TO

- 1 THE IV ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
- 2 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SWARNAM J RAJAGOPALAN Advocate SR.No.30209

ORDER IN
CRL OP(MD) No.11791 of 2017
Date :07/09/2017