



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

Friday, the Eighth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11897 of 2017

NAGAMANI

... PETITIONER / 2nd ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VANGAL POLICE STATION, KARUR DISTRICT
(CRIME NO.37 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.LENIN KUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

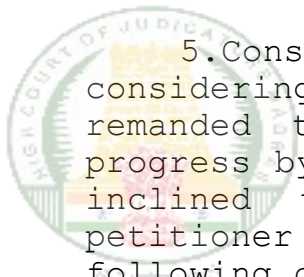
ORDER : The Court Made the following order :-

The petitioner / A2 who was arrested on 19.06.2017 for the offences punishable under Sections 397 & 511 of IPC in Crime No. 37 of 2015 on the file of the respondent police, in S.C.No.22 of 2016, on the file of the learned Principal Assistant Sessions Judge, Karur, seeks bail.

2.The learned counsel for the petitioner would submit that on 03.06.2016, the petitioner was not able to appear before the trial Court to sick of his father and he was taking care of his and in the meantime, the petitioner's father breathed his last, and therefore, NBW was issued and subsequently, the petitioner was arrested.

3.The learned Additional Public Prosecutor would submit on instructions that petitioner herein is arrayed as A2 in S.C.No.22 of 2016 pending on the file of the Principle Assistant Sessions Judge, Karur and the case against A1 & A3 was split up and assigned as new S.C.No.67 of 2017, which is also pending on the same Court, since NBW against the A1 and A3 is pending. Trial in S.C.No.22 of 2016 is not commenced.

4.He further submitted that petitioner was arrested under NBW on 19.06.2017 since NBW issued on 03.06.2017 for his absence. He also submitted that if the petitioner released on bail, the trail of the case will be delayed and the petitioner will abscond again. He also submitted that earlier bail petition moved by this petitioner in Crl.OP(MD)No.10100 of 2017 was dismissed by this Court on 02.08.2017 and the second bail petition in Crl.OP.(MD)No.10797 of 2017 was dismissed as withdrawn by the petitioner with liberty to file a fresh petition stating the present stage of the case.



5.Considering the facts and circumstances of the case and considering the fact that petitioner was arrested under NBW and remanded to judicial custody from 19.06.2017 and there is no progress by the concerned Court in S.C.No.22 of 2016, 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 Principal Assistant Sessions Judge, Karur.

(ii)the petitioner is directed to appear before the learned Principal Assistant Sessions Judge, Karur daily twice morning at 10.30 a.m. and evening 5.30 p.m. until further orders;

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

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

(v)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].

(vi)The trial Court is directed to conclude the trial of the said case within a period of three months from the date of receipt of a copy of this order and report the dispose of the said case, before the Registry of this Court.

sd/-

08/09/2017

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL ASSISTANT SESSIONS JUDGE, KARUR.
 - 2 OFFICER IN CHARGE, DISTRICT JAIL, KARUR.
 - 3 THE INSPECTOR OF POLICE,
VANGAL POLICE STATION, KARUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.LENIN KUMAR Advocate SR.No.30359

ORDER IN

CRL OP(MD) No.11897 of 2017

Date :08/09/2017