



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

Monday, the Eighteenth day of September Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.12043 of 2017

GUNASEKARAN

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.382/2010.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.RAMASAMY Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor.

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

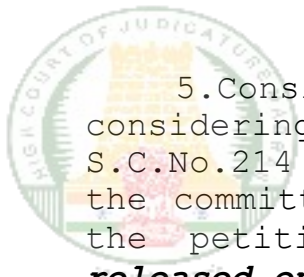
ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested on 05.07.2017 for the offences punishable under Sections 302 & 201 of IPC in Crime No.382 of 2010 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that petitioner is ready to abide any condition as imposed upon him for his release in bail.

3.The learned Additional Public Prosecutor would submit on instructions that totally there are 2 accused in P.R.C.No.49 of 2004 on the file of the learned Judicial Magistrate No.1, Thoothukudi and warrant is pending against A2. The case against the petitioner was split up and the case against A1 was pending as P.R.C. No.9 of 2017 and the same was committed to the Sessions Court, which is pending in S.C.No.140 of 2016 on the file of the Second Additional Judge, Thoothukudi and the case against the petitioner was committed to the 1st Additional District Sessions Court and the same is pending as S.C.No.214 of 2017 and charges were also framed against the petitioner and summons were also issued and it is also pending. He further contents that petitioner was absent on 09.08.2015 and hence, NBW was issued against the petitioner and the same was executed on 05.07.2017 and now he is in custody. He also contents that petitioner is absconding for more than two years in P.R.C. proceedings and the petitioner is having 12 previous cases.

4.A report dated 14.09.2017 from Additional District Munsif cum Judicial Magistrate No.III, (FAC), Thoothukudi states that case was committed to the Principal Sessions Court, Thoothukudi on 16.08.2017.



5. Considering the facts and circumstances of the case and considering the fact that case against the petitioner is pending as S.C.No.214 of 2017 and he is absconding for more than two years in the committal proceedings, 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 Judicial Magistrate No.III, Thoothukudi.

(ii) the petitioner is directed to deposit a sum of Rs. 3,000/- to the Legal Service Authority, Thoothukudi and shall appear before learned Judicial Magistrate No.III, Thoothukudi daily at 10.30 a.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]**.

sd/-

18/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, THOOTUKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE, SIPCOT POLICE STATION, THOOTHUKUDI.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI.

COPY TO : The officer Incharge,
Legal Aid Services Authority, Thoothukudi

+1. CC to M/S.S.RAMASAMY Advocate SR.No.30863

ORDER

IN

CRL OP(MD) No.12043 of 2017

Date : 18/09/2017