



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

Friday, the Fifteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12186 of 2017

ELANGO VAN

... PETITIONER / ACCUSED No.3

Vs

State rep.by
THE INSPECTOR OF POLICE
ELLANCHEMBUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.26/2011

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.VENKATESWARAN Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

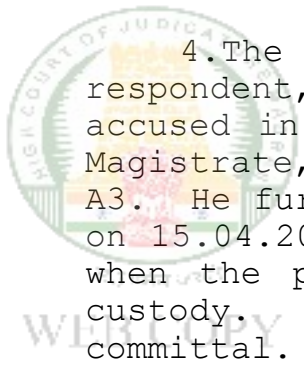
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 09.08.2017, for the offences punishable under Sections 147, 148, 294(b), 336, 307 of IPC and Section 4 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act r/w 149 of IPC in P.R.C.No.7 of 2016 on the file of the Judicial Magistrate, seeks bail.

2.The learned counsel appearing for the petitioner submitted that the petitioner went to aboard for his employment and his family is fully dependent on his income and due to some unavoidable situation, he could not attend the court on 15.04.2017 and hence, non bailable warrant was issued and that he was arrested on 09.08.2017, when he arrived at Madurai Airport and remanded to the custody.

3.He further submitted that the petitioner has filed a petition in Crl.O.P(MD)No.12316 of 2017 before this Court for quashing of P.R.C.No.7 of 2017 and the same is pending. He also contents that the de facto complainant and the accused have entered into a compromise in respect the said case in P.R.C.No.7 of 2017 and the said Criminal Original petition was posted on 19.09.2017 before this Court. The learned counsel for the petitioner produce a joint compromise memo in this case and the Trial Court has also not yet committed the case since all the accused are appearing before the



4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that totally there are 26 accused in P.R.C.No.7 of 2016 on the file of the learned Judicial Magistrate, Muthukulathur and the petitioner herein is arrayed as A3. He further submitted that NBW was issued against the petitioner on 15.04.2016 and the same was executed and arrested on 09.08.2017, when the petitioner arrived at Madurai Airport and now he is in custody. He further submitted that the said case is pending for committal.

5.Considering the above facts and circumstances of the case and also taking note of the fact that the petitioner and the de facto complainant have entered into a compromise and the he has filed a petition in CrI.O.P(MD)No.12316 of 2017 for quashing the charge sheet filed in P.R.C.No.7 of 2017, which is pending before this Court for compromise, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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, Mudukulathur, and on further condition that:

[a] the petitioner shall report before the learned Judicial Magistrate, Mudukulathur, daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 learned 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/-
15/09/2017

/ TRUE COPY /

ENCL:XEROX COPY OF COMPROMISE MEMO

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

TO

1 THE JUDICIAL MAGISTRATE, MUDUKULATHUR

<https://hcservices.ecourts.gov.in/hcservices/>

2 TO THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT



3 THE INSPECTOR OF POLICE
ELLANCHEMBUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICERS INCHARGE, SUB JAIL, MUDUKULATHUR

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.R.VENKATESWARAN Advocate SR.No.30820

ORDER

IN

CRL OP (MD) No.12186 of 2017

Date :15/09/2017

SM:PM-PN:SAR I:15.9.2017:3P/7C