



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

Tuesday, the Twenty Fourth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14116 of 2017

VIJAYAMIRTHARAJ

... PETITIONER / ACCUSED - 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
S.P. PATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 30 OF 2010.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.BALAMURUGAPANDI Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

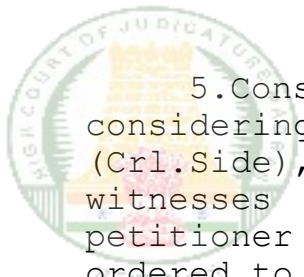
ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 26.09.2017 for the alleged offences punishable under Sections 302, 379, 414, r/w 34 of IPC., in respect of Case No.S.C.62/2011 in Crime No.30 of 2010, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the case was taken on S.C.62/ 2011 on the file of Learned Additional District Court, Ramanathapuram. While the petitioner on bail, he failed to appear before the learned Additional District Court, Ramanathapuram on 18.07.2017, because of non-appearance of the Accused No.A3/petitioner, the learned Judge issued a Non-Bailable Warrant against the petitioner. However, he was arrested and remanded by respondent police on 26.09.2017.

3. The learned counsel appearing for the petitioner submitted that the petitioner, on the date of hearing in S.C.No.62 of 2011, not able to appear due to personal unavoidable reasons. The non-appearance of the petitioner before the Lower Court is neither willful nor wanton. In spite of the above said bona fide reason, Non-Bailable Warrant was issued against the petitioner and subsequently the petitioner was arrested and remanded by the respondent police.

4.The learned Government Advocate (Criminal side) appearing for the state submitted that the trial is in progress and most of the witnesses were examined.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), that the trial is in progress nearly most of the witnesses were examined, I am inclined to grant bail to the petitioner with certain conditions. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District and Session Court, Ramanathapuram, Ramanathapuram District;
- (ii) the petitioner shall report before the learned Additional District and Session Court, Ramanathapuram, daily twice, at morning 10.30 a.m and evening 5.30 p.m, until further orders. If the petitioner fails to appear before the lower Court, daily at morning and evening, liberty granted to the lower Court to issue Non-Bailable Warrant and the respondent police shall arrest the person and remand to the jail;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the bail granted stands cancelled automatically.

sd/-
24/10/2017

/ TRUE COPY /

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

TO

1. THE ADDITIONAL DISTRICT AND SESSION JUDGE,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
 2. THE INSPECTOR OF POLICE
S.P. PATTINAM POLICE STATION, RAMANATHAPURAM DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT JAIL, RAMANATHAPURAM.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.33036

ORDER IN
CRL OP(MD) No.14116 of 2017
Date :24/10/2017