



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

Wednesday, the Fifteenth day of November Two Thousand Seventeen  
PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP (MD) No.14971 of 2017

1 NAGAPPAN  
2 PONRAM

... PETITIONERS/ ACCUSED NO. 4 & 5  
Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
KARUR TOWN POLICE STATION,  
KARUR DISTRICT.  
CRIME NO.2361 OF 2007

... RESPONDENT / COMPLAINANT

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

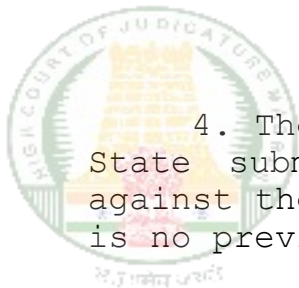
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.4 and 5, who was arrested and remanded to judicial custody on 04.09.2017 in pursuance of non bailable warrant issued in P.R.C.No.23 of 2008 is pending for committal proceedings before the learned Judicial Magistrate No.I, Karur for the offences punishable under Sections 147, 148 and 302 of I.P.C., in Crime No.2361 of 2007, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were implicated in Crime No. 2361 of 2007 for the offences under Sections 147, 148 and 302 of I.P.C., in P.R.C.No.23 of 2008 and the same is pending for the committal proceedings due to the absence of the petitioners before the learned Magistrate No.I, Karur. This Court had already been granted bail to the petitioners on 04.01.2017 and subsequently, due to their illness, they are not able to appear before the Court on 02.05.2017 and thereby, the learned Judicial Magistrate No.I, Karur, issued Non Bailable Warrant against the petitioners. Hence, the petitioners were arrested and remanded to the Judicial Custody on 04.09.2017.

3.The learned counsel for the petitioners submitted that the petitioners were regularly appeared before the Court without fail. Subsequently, at the date of hearing, due to their illness, the petitioner did not appear before the Trial Court. Hence, the learned Judicial Magistrate No.I, Karur, issued Non Bailable Warrant against the petitioners. He further submitted that the petitioners are ready to abide any condition imposed by this Court.



4. The learned Government Advocate (Crl.side) appearing for the State submitted that there are eighteen previous cases pending against the first petitioner, however, he fairly conceded that there is no previous case levelled against the second petitioner.

5. Considering the facts and circumstances of the case and considering the submission made by the learned Government Advocate (Crl.side) and considering the gravity of offence levelled against the first petitioner, I am not inclined to grant bail to the first petitioner.

6. However, considering the submission made by the learned Government Advocate (Crl.Side) that there is no previous case levelled against the second petitioner, I am inclined to grant bail to the second petitioner. Accordingly, the second petitioner is ordered to be released on bail, subject to the following conditions;

(i) the second 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 Judicial Magistrate No.I, Karur;

(ii) the second petitioner shall report before the concerned Court, daily at 10.30 a.m., until further orders;

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

(iv) the second petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the second 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 second petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-  
15/11/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I, KARUR.
  2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR.
  3. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
  4. THE INSPECTOR OF POLICE,  
KARUR TOWN POLICE STATION, KARUR DISTRICT.
  5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.N.RANJITH Advocate SR.No.34436

ORDER  
IN  
CRL OP(MD) No.14971 of 2017  
Date :15/11/2017

**MS/PM-PN/SAR.2/15.11.2017/3P.7C**