

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

Tuesday, the Fourteenth day of November Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15501 of 2017

PARAMASIVAM

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 158 OF 2012)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.R.A.RAMACHANDHRAN Advocate

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

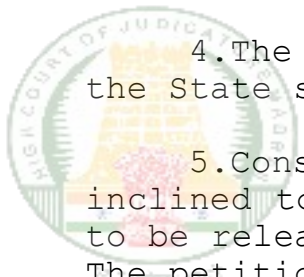
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 31.10.2017, in pursuance of non bailable warrant issued in S.C.No.511 of 2017 is pending for committal proceedings before the learned I-Additional District Sessions Judge, Tirunelveli for the offences punishable under Sections 341, 294(b), 506(ii) IPC and under Section 3 of TNPPDL Act, in Crime No.158 of 2012, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was implicated in Cr.No.158 of 2012 for the aforesaid offences and the same is pending for the committal proceedings due to the absence of the petitioner before the learned Magistrate to Assistant Sessions Court, Tirunelveli. However, for non appearance of the petitioner, Non Bailable Warrant was issued against the petitioner on 03.08.2017. As per the guidelines of this Court that the TNPPDL Act cases were triable by the Principal District Sessions Court, therefore the learned Assistant Sessions Court, Tirunelveli made over the case in S.C.No.511 of 2017 to the I-Additional District Sessions Judge, Tirunelveli for the same. For non appearance of the petitioner, the learned I-Additional District Sessions Judge, Tirunelveli issued NBW against the petitioner on 24.08.2017. Thereafter, the petitioner was arrested and remanded on judicial custody on 31.10.2017.

3.The learned counsel appearing for the petitioner would submit that due to ill health, the petitioner not able to appear before the Court. The non appearance of the petitioner is neither willful nor wanton but in the bonafide circumstances and hence, they prayed for bail.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that he did not dispute the facts of the case.

5.Considering the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner is ordered to be released on bail, subject to the following certain conditions. 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 Judicial Magistrate, Ambasamudram;

(i) the petitioner shall report before the concerned Court, daily at 10.30 a.m., for a period of four weeks, and thereafter, as and when required for interrogation;

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

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

(iv) the petitioner shall not commit any offence while on bail;

(v) 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 and the bail granted stands cancelled automatically.

sd/-

14/11/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
 3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 4. THE INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION, TIRUNELVELI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.R.A.RAMACHANDHRAN Advocate SR.No.34336

ORDER IN

CRL OP(MD) No.15501 of 2017

Date :14/11/2017