



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

Friday, the Twenty Fourth day of February Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.1702 of 2017

WEB COPY

SIVA

... PETITIONER/PETITIONER/ ACCUSED-4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

MELUR POLICE STATION, MELUR,

MADURAI DISTRICT.

(CRIME NO. 563 OF 2002) ... RESPONDENT /RESPONDENT/ COMPLAINANT

For Petitioner : M/S.K.KUMARAVEL Advocate

For Respondent :MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

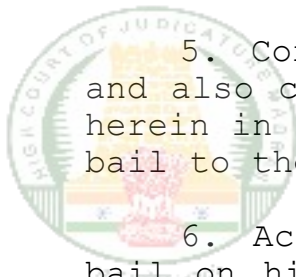
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 30.01.2017, for the offences punishable under Section 380 of IPC., in C.C.No.11 of 2002, on the file of the learned Principal District Judge, Madurai, in Crime No.563 of 2002, seeks bail.

2. The learned counsel appearing for the petitioner states that the petitioner has not aware of issuance of warrant against him and he has not received any summons from the trial Court in C.C.No.314 of 2004.

3. The learned Government Advocate (crl.side) appearing for the respondent states that there are totally four accused in this case and the petitioner herein is A4. Because of issuance of NBW against A2 and A4 in C.C.No.314 of 2004, the case against the A2 and A4 has been split up as C.C.No.11 of 2017. The remaining accused in C.C.No.314 of 2004 was disposed of and they have been acquitted in that case. He would further submit that on 30.01.2017, the petitioner has been arrested under NBW and he is in custody from that date onwards.

4. A report, dated 21.02.2017 has been received from the learned Judicial Magistrate, Melur, and on perusal of the same would reveal that NBW is pending as against A2 in C.C.No.11 of 2017 and the petitioner herein was arrested under NBW and in custody from 30.01.2017, on execution of NBW. However, the trial Court has failed to mention the details in respect of receiving summons by the petitioner in C.C.No.314 of 2004 in its report.



5. Considering the above facts and circumstances of the case and also considering the period of incarceration of the petitioner herein in this case from 31.01.2017, 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, Melur, and on further condition that:

[a] the petitioner shall report before said Court daily at 10.30 a.m., until further orders.

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

[c] the petitioner shall not abscond during 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/-
24/02/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1.THE JUDICIAL MAGISTRATE,MELUR.

2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,MADURAI.

3.THE SUPERINTENDENT, CENTAL PRISON,MADURAI.

4.THE INSPECTOR OF POLICE
MELUR POLICE STATION, MELUR,
MADURAI DISTRICT.

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

+1. CC to M/S.K.KUMARAVEL Advocate SR.No.10425

ORDER
IN
CRL OP(MD) No.1702 of 2017
Date :24/02/2017

MS/RSK/SAR1/24.2.2017/2P.7C