



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

Wednesday, the Fifteenth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.2520 of 2017

IMRAN @ MOHAMED IMRAN @ MALLIPATTINAM IMARAN

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
C5, KARIMEDU POLICE STATION,
MADURAI DISTRICT,
MADURAI.

(CRIME NO.859 of 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.M.A.JINNAH Advocate

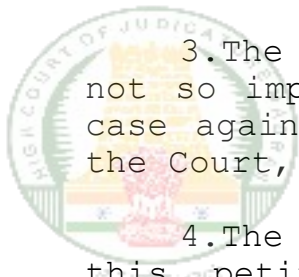
For Respondent : MR.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested on 15.02.2017 for the offences punishable under Sections 3 and 4 of Explosive Substance Act and Sections 3 and 4 of TNPPDL Act and Sections 147, 148, 120(b) r/w 34 and 149 IPC in Crime No.859 of 2015 on the file of the respondent police, seeks bail.

2.For non appearance before the learned Judicial Magistrate No.V, Madurai in connection with the case in P.R.C.No.1 of 2016, Non Bailable Warrant was issued against the petitioner on 18.01.2016 and thereafter, two more cases were registered against him, which has made the petitioner to keep away from the appearance of the Court and after obtaining anticipatory bail in these two cases, the petitioner filed an application on 14.12.2016 for recalling the Non Bailable Warrant, without appearing before the learned Judicial Magistrate No.V, Madurai. The learned Judicial Magistrate directed the petitioner to appear before the Court on 15.12.2016 and due to non appearance of the petitioner, the matter was posted on 19.12.2016 for the appearance of the petitioner. Again, due to non appearance as per the said order, Non Bailable Warrant was issued against the petitioner and when the petitioner surrendered before the Court on 15.02.2017, he was remanded to judicial custody.



3.The reasons for non appearance as stated by the petitioner is not so impressive alleging that the Police were prepared to lodge case against him and hence, he stayed away from the appearance of the Court, in spite of the Non Bailable Warrant pending.

4.The learned Government Advocate (Crl. Side) submitted that this petitioner is having previous cases and the confession statement of the coaccused indicates the involvement of the petitioner in the crime. The case against the petitioner is that he used explosive substance to blast Government transport bus on 03.09.2015. The custodial interrogation of the petitioner was also completed.

5.Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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.10,000/- (Rupees Ten Thousand Only) with two sureties (one of the surety must be blood relative), each for a like sum to the satisfaction of the Judicial Magistrate No.V, Madurai;

(ii)the petitioner is directed to appear before the Town Police Station, Karaikudi daily at 10.30 a.m. until further orders except the date of hearing;

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

(iv) the petitioner shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 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/-

15/03/2017

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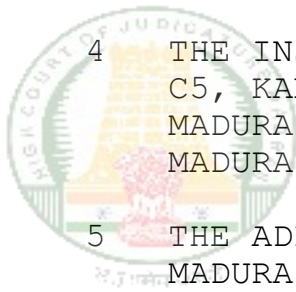
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.V, MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
<https://hcservices.ecourts.gov.in/hcservices/>
CENTRAL PRISON, MADURAI.



4 THE INSPECTOR OF POLICE
C5, KARIMEDU POLICE STATION,
MADURAI DISTRICT,
MADURAI.

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

6 THE TOWN POLICE STATION, KARAIKUDI.

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.14813

ORDER
IN
CRL OP (MD) No.2520 of 2017
Date :15/03/2017

MKV-SV-MMS-SAR 3/15.3.2017/3P-8C