



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

Friday, the Twenty Eighth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP (MD) No.5438 of 2017

MURUGAN,

... PETITIONER/ACCUSED Rank Not Known

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
CRIME NO.138 OF 2009.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.KRISHNAN 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/accused was arrested and remanded to judicial custody on 09.04.2017 for the offences punishable under Section 397 of IPC in Crime No.138 of 2009 on the file of the respondent police, seeks bail.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent/State.

3. The learned counsel for the petitioner submitted that since the petitioner went to Kerala for his livelihood, he was not able to attend the Court and now he is ready to abide any condition and in future he will not fail to appear before the Trial Court.

4. The learned Government Advocate (Crl.side) submitted that the petitioner failed to appear before the Court on 25.07.2016. Therefore, the Committal Court has issued a Nonailable Warrant and the same was executed on 09.04.2017. Due to his non appearance, the Committal Court was not able to commit the case to the Court of Sessions. He further submitted that, the final report has already been filed and taken on file as P.R.C.No.16 of 2016.

5. Taking note of the facts of the case and considering the fact that the delay in Committal is not only due to absconding of this petitioner, but, also due to death of A1 and A5, 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli;

(ii) the petitioner shall appear before the concerned court on all working days daily at 10.30 a.m until further orders;

(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.

sd/-

28/04/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NO.III, TIRUNELVELI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE, THALAIYUTHU POLICE STATION
- 4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.KRISHNAN Advocate SR.No.21601

ORDER

IN

CRL OP(MD) No.5438 of 2017

Date :28/04/2017

SMA/CM-MSA/SAR-4/28.04.2017:2P/7C