



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

Wednesday, the Seventeenth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.5890 of 2017

SIVA @ SIVARAMALINGAM @ PERIYAVAN ... PETITIONERS / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE SUB-INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT
CRIME NO. 102/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SUNDARAPANDIAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

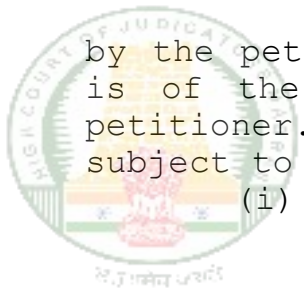
The petitioner, who was arrested and remanded to judicial custody on 23.05.2016, for the offences punishable under Sections 147, 148, 302 I.P.C., and Section 3(2)(v) SC/ST (POA) Act, subsequently altered to Sections 147, 148, 302 r/w 120(b) I.P.C., and Section 3(2)(v) of SC/ST (POA) Act, 1989, in Crime No.102 of 2015, on the file of the respondent Police, seeks bail.

2. Heard Mr.S.Sundarapandian, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. The learned counsel appearing for the petitioner submitted originally, the petitioner was arrested for the above said offence and subsequently, he was released on bail. Due to the life threat from the de facto complainant, he could not appear before the learned Judicial Magistrate, Srivaikundam on 11.01.2016 and in furtherance of NBW, he was remanded to judicial custody on 23.05.2016 and till then he is in judicial custody.

5. The learned Government Advocate appearing for the State strongly objected to grant bail to the petitioner.

6. Taking into consideration the facts and circumstances of this case, considering the gravity of offence said to have been committed



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by the petitioner and also the period of incarceration, this Court is of the view that this is a fit case to grant bail to the petitioner. Accordingly, he 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, Srivaikundam.
- (ii) the petitioner shall report before the Court concerned daily at 10.30 a.m., until further orders and give his fullest co-operation for the early disposal of the case.
- (iii) the petitioner shall not tamper with 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 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/-

17/05/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.
- 4 THE SUB-INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SUNDARAPANDIAN Advocate SR.No.22032

ORDER

IN

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Date :17/05/2017

MKV-PN-SAR 3/18.5.2017/2P-7C

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