



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

Thursday, the Eighteenth day of May Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.6307 of 2017

MANIKANDAN

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT
CRIME NO. 303/2013

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.KAMESWARAN Advocate

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

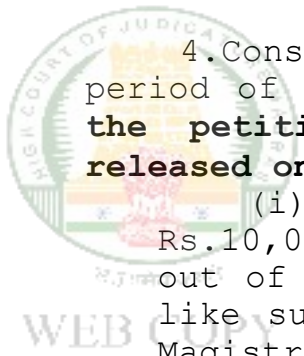
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested on 04.05.2017 for the offence punishable under Sections 147, 148, 294(B), 343, 353, 307 and 379 of IPC, in Crime No.303 of 2013, on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that charge sheet has been filed before the learned Judicial Magistrate, Tirupatthur and after committal to the learned Chief Judicial Magistrate, Sivganganai, it has been taken on file as S.C.No.156 of 2014 and the petitioner appeared before the court regularly. The petitioner is working as a driver in Chennai and due to that, he could not appear before the Court on 29.11.2016. In such circumstances, the learned Chief Judicial Magistrate, Sivaganganai has issued a non bailable warrant.

3.The learned Government Advocate (Crl. Side) submitted that the petitioner was arrested by the respondent police on 04.05.2017 and thereafter he filed a bail application before the learned Chief Judicial Magistrate, Sivaganganai in Crl.M.P.No.374 of 2017 and the same has been dismissed by order dated 09.05.2017. Thereafter, he filed another bail application in Crl.M.P.No.63 of 2017 before the learned Principal Sessions Judge, Sivaganganai and the same has also been dismissed, by order dated 18.05.2017.



4. Considering the facts and circumstances of the case and the period of incarceration, 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, out of which one surety must be a relative, and each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Sivagangai;

(ii) the petitioner shall appear before the learned Judicial Magistrate, Tiruppathur, on every first and fifteenth day of every month 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

18/05/2017

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUPATTHUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 OFFICER IN CHARGE,
SUBORDINATE JAIL, TIRUPATTHUR, SIVAGANGAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.KAMESWARAN Advocate SR.No.22527

ORDER

IN

CRL OP(MD) No.6307 of 2017

Date :18/05/2017

MKV-MSA-SAR 4/19.5.2017/2P-7C