



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

Wednesday, the Twenty Fourth day of May Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice C.V.KARTHIKEYAN**

CRL OP(MD) No.6346 of 2017

PERIASAMY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
MUTHAIAHPURAM POLICE STATION,  
THOOTHUKUDI,  
THOOTHUKUDI DISTRICT  
CRIME NO. 357/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.R.KANNAPPAN 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 :-

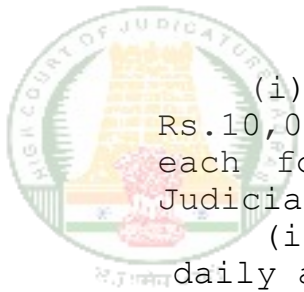
The petitioner/sole accused, who was arrested and remanded to judicial custody on 14.10.2016 for the offences punishable under Section 302 of I.P.C., in Crime No.357 of 2016 on the file of the respondent police, seek bail.

2. The learned Government Advocate (Criminal side) would submit that earlier bail petition was dismissed by this court on 15.03.2017 and there is no change in circumstances.

3. The learned counsel for the petitioner would submit that this is the third bail application and the petitioner is in custody for more than 222 days and he may be granted bail.

4. Even though two bail applications have been dismissed by this Court on 08.02.2017 and 15.03.2017, this court is inclined to grant the relief of bail sought by the petitioner and since the trial is in part heard stage, it is necessary for the accused to give an opportunity to instruct his counsel and participate in the trial proceedings.

5. Considering the facts and circumstances of the case, this Court grants bail to the petitioner 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.II, Thoothukudi;

(ii) the petitioner shall report before the Trial Court daily at 10.30 a.m. until further orders;

(iii) The petitioner shall not abscond either during investigation or trial;

(iv) 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/-

24/05/2017

/ TRUE COPY /

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

AKV/RM  
TO

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

+1. CC to M/S.A.R.KANNAPPAN Advocate SR.No.22608

GJM/PN/SAR-I-24.5.17-2P-7C

ORDER

IN

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Date :24/05/2017