



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

Monday, the Tenth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.7674 of 2017

JAYAMUTHU @ SUDALAIMUTHU

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.1409/2012

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.ANBARASU Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

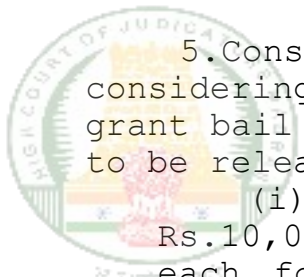
ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested on 05.12.2014 for the offences punishable under Sections 341, 294(b), 307, 387 and 506(ii) IPC in Crime No.1409 of 2012, on the file of the respondent police, seeks bail.

2.The case of the petitioner is that at the time of filing of the charge sheet in the above said crime number, the petitioner was not able to appear before the court concerned as he was in judicial custody from 12.11.2016 and hence, non bailable warrant was issued by the court below on 12.08.2015.

3.The learned counsel for the petitioner would submit that since the petitioner was arrested in another case and remanded to judicial custody on 12.11.2016, he did not know about the issuance of NBW against him and the same was executed on 27.12.2016.

4.The learned Additional Public Prosecutor submitted that totally there are 3 accused and the petitioner is arrayed as A2 in this case. He also submitted that in the above said crime number the respondent Police filed a charge sheet and the same was taken on file in P.R.C.No.28 of 2013 by the Judicial Magistrate No.I, Tirunelveli. Since the petitioner was absent on 12.08.2015, non bailable warrant was issued on the same day and that he was arrested on 27.12.2016. He further submitted that the case was committed and the same is now pending in S.C.No.350 of 2017 before the Additional Assistant Sessions Judge, Tirunelveli.



5.Considering the facts and circumstances of the case and considering 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, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Tirunelveli;

(ii)the petitioner is directed to appear before the concerned Court 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

10/07/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.D.ANBARASU Advocate SR.No.26170

+1. CC to M/S.M.PERUMAL Advocate SR.No.26112

ORDER

IN

CRL OP(MD) No.7674 of 2017

Date :10/07/2017