



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1018 of 2018

AKBAR @ AKBAR ALI

... PETITIONER / ACCUSED NO.6

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION, DINDIGUL.
IN CRIME NO. 1725/2010

... RESPONDENT / COMPLAINANT

For Petitioner: M/S.S.M.A.JINNAH Advocate

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

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

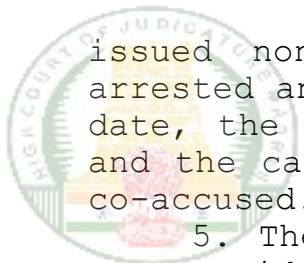
ORDER : The Court Made the following order :-

The petitioner/Accused No.6, who was arrested and remanded to judicial custody on 17.12.2017 under non-bailable warrant in PRC.No.6 of 2011 on the file of the learned Judicial Magistrate No.I, Dindigul, for the alleged offences punishable under Sections 147, 148, 342, 302 r/w 149 and 34 of IPC, in Crime No.1725 of 2010, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.12.2010, while the defacto complainant along with other party members including Thangapandi were making preparation for pasting posters, the petitioner along with other accused persons unlawfully assembled with deadly weapons and attacked the deceased with aruval and knife and committed murder. Hence, the present case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence and he has been falsely implicated in this case. He further submitted that the allegation of the prosecution case is entirely false and after investigation, the case was charge sheeted before the learned Judicial Magistrate No.I, Dindigul in P.R.C.No.6 of 2011 and the same is pending till date. He further submitted that due to the non-appearance of the petitioner before the trial Court on 06.12.2017, non-bailable warrant was issued against the petitioner and he was arrested and remanded to judicial custody from 17.12.2017. Moreover, there is no specific overtact against the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that due to the non-appearance of the petitioner on 06.12.2017, the trial Court



issued non-bailable warrant against the petitioner and he was arrested and remanded to judicial custody on 17.12.2017. Except that date, the petitioner was regularly appeared before the trial Court and the case was not committed so far, because of the death of the co-accused.

5. The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioner and other accused persons for the offence under Sections 147, 148, 342, 302 r/w 149 and 34 IPC. The petitioner is in judicial custody from 17.12.2017 to till date. Admittedly as per the non-bailable warrant issued by the learned Magistrate No.I, Dindigul, the petitioner herein arrested and remanded to the judicial custody on 17.12.2017. As per the case of the prosecution, all other remaining accused are regularly appeared. Further, the petitioner also regularly appeared before issuing the non-bailable warrant. Only due to the death of the second accused in this case, the case was kept pending for the past seven years without committed to the Court of Sessions. Accordingly, the petitioner herein is not a reason for not committing the case to the Court of Sessions. Considering the reasons stated above, 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.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Dindigul;
- (ii) the petitioner shall report before the Court concerned, daily at 10.00 a.m., and 05.00 p.m. until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) 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 petitioners 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/-
23/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION, DINDIGUL.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.1125

ORDER

IN

CRL OP(MD) No.1018 of 2018

Date :23/01/2018

MKV-PM-PN-SAR 2/23.1.2018/3P-7C