



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3819 of 2018

P.MURUGAN

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
AVANIAPURAM POLICE STATION,
MADURAI CITY.
IN CR.NO.1187 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.OM PRAKASH Advocate
For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

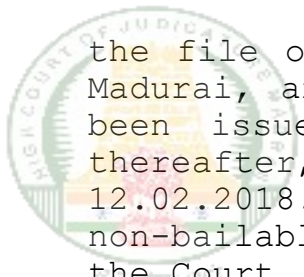
ORDER : The Court Made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 12.02.2018, under non-bailable warrant issued in S.C.No.160 of 2017, on the file of the learned IV-Additional District and Sessions Judge, Madurai, for the alleged offences punishable under Sections 294(b), 392, 397, 506(ii) of IPC., r/w. 3 (1) of TNPPDL Act, in Crime No.1187 of 2015, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the non-appearance of the petitioner before the learned IV-Additional District and Sessions Judge, Madurai, on 06.02.2018, non-bailable warrant was issued against the petitioner and thereafter he was arrested and remanded to judicial custody on 12.02.2018.

3.The learned counsel appearing for the petitioner submitted that on 06.02.2018, due to the non-appearance of the petitioner, non-bailable warrant was issued against him and thereafter he was arrested and remanded to judicial custody. He further submitted that since the petitioner was suffering from fever, he was unable to attend the court on that day. He further added that the petitioner is in judicial custody from 12.02.2018 onwards and prayed to enlarge the petitioner on bail.

4. The learned Government Advocate (Crl. side) submitted that charge sheet has been filed and taken on file in S.C.No.160 2017 on



the file of the learned IV-Additional District and Sessions Judge, Madurai, and subsequently on 06.02.2017, non-bailable warrant has been issued against the petitioner for his non-appearance and thereafter, he was arrested and remanded to judicial custody on 12.02.2018. He further submitted that previous to the issuance of non-bailable warrant, the petitioner was regularly appeared before the Court.

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5. The submissions made by the learned counsels appearing for either side are considered. The petitioner herein is arrayed as fourth accused in S.C.No.160 of 2017, on the file of the learned IV-Additional District and Sessions Judge, Madurai. As of now, the above said case is posed for examination of witnesses. During the course of trial, non-bailable warrant was issued against the petitioner on 06.02.2018 for his non-appearance. After issuing non-bailable warrant, the respondent police arrested the petitioner on 12.02.2018 and remanded him to judicial custody. Now, on go through the submissions made by the learned counsel appearing for the petitioner, it is clear that due to illness, the petitioner was not able to appear before the Court. The learned Government Advocate (Criminal side) fairly conceded that previous to the issuance of the non-bailable warrant, the petitioner had regularly appeared before the Court. Thereby, considering the period of incarceration, this Court is inclined to grant bail to the petitioner with some conditions. 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 IV-Additional District and Sessions Judge, Madurai;
- (ii) the petitioner shall report before the Court concerned, daily twice, 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 bail granted to the petitioner shall stand automatically cancelled and 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 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/-
12/03/2018

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

TO

- 1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 3 THE INSPECTOR OF POLICE,
AVANIAPURAM POLICE STATION, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.OM PRAKASH Advocate SR.No.3912

ORDER
IN
CRL OP(MD) No.3819 of 2018
Date :12/03/2018

MKV-MM-PN-SAR 2/12.3.2018/3P-6C