



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4328 of 2018

MUTHUKUMAR,

... PETITIONER /11TH ACCUSED

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
VENGAMEDU POLICE STATION,
KARUR DISTRICT.
IN CRIME NO.944 OF 2010.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.GOKUL RAJ Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.11, who was arrested and remanded to judicial custody on 19.02.2018, based on the execution of the non-bailable warrant issued in S.C.No.92 of 2017, on the file of the learned Principal Sessions Judge, Karur, for the alleged offences punishable under Sections 147, 148, 323, 324, 342, 307, 364, 395 r/w. 397 of IPC., in Crime No.944 of 2010, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is a member of "Kongunadu Peravai" and the defacto complainant belongs to "Kongunadu Elangair Peravai". Due to the political enmity, the petitioner and other accused destroyed the sign board and assaulted the opposite party members. Hence, the case has been registered for the above crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner has not committed any offence as alleged by the prosecution and he is in no way connected with the alleged occurrence. Hence, he prays for granting bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, submitted that after filing charge sheet, the case was taken on file by the learned Assistant Sessions Judge, Karur and due to his non-appearance, the learned Sessions Judge issued non bailable warrant on 22.06.2016 and thereafter the case was transferred to Principal Sessions Court, Karur and numbered as S.C.No.92 of 2017, thereby, at the time of trial, due to the non appearance of the petitioner, the learned Principal Sessions Judge issued non-bailable warrant against the petitioner on the 01.11.2017. Thereafter, the case was split up in S.C.No.10 of 2012 against the other accused, and they are regularly appearing for trial proceedings. Now, the petitioner was arrested and remanded to judicial custody on 19.02.2018.

5. The submissions made by the learned counsels appearing for either side are considered. The petitioner is an accused in S.C.No.92 of 2017 on the file of the learned Principal Sessions Judge, Karur. He was remanded to judicial custody on 19.02.2018 by executing the non-bailable warrant. Previous to the remand, initially non-bailable warrant was issued by the learned Assistant Sessions Judge, Karur on 22.06.2016. Subsequently, the case was transferred to the Principal Sessions Court, Karur and numbered as S.C.No.92 of 2017, thereafter, for his non-appearance, the learned Principal Sessions Judge, Karur issued non-bailable warrant on 01.11.2017. The case was split up with regard to the other accused in S.C.No.10 of 2012 and as of now, they have been appearing before the trial court regularly and the trial is going on. Admittedly, the petitioner is the first offender and he is not having any previous cases. Thereby, considering the above facts and circumstances, 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:

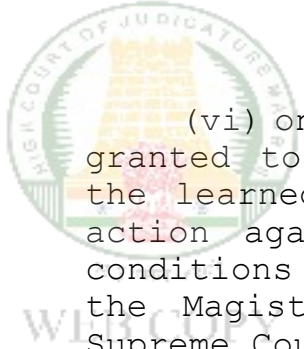
(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties, out of which **one must be a Government surety obtained from the Government servant drawing salary not less than Rs.25,000/- per month**, each for the like sum to the satisfaction of the learned Judicial Magistrate No.I, Karur;

(ii) the petitioner shall report before the respondent police, 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/-
20/03/2018

/ TRUE COPY /

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

PJL

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KARUR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRTE
KARUR DISTRICT
- 3 THE SUB INSPECTOR OF POLICE,
VENGAMEDU POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY

+1. CC to M/S.S.GOKUL RAJ Advocate SR.No.4400

SDS/PN/SAR-2-20.3.18-3P-7C

ORDER
IN
CRL OP(MD) No.4328 of 2018
Date :20/03/2018