



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

Monday, the Twenty Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) Nos. 4650, 4651, 4652 & 4655 of 2018

MALARKODI

... PETITIONER / 92nd ACCUSED
IN ALL THE PETITIONS

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
VILAMPATTY POLICE STATION,
DINDIGUL DISTRICT,

... RESPONDENT / COMPLAINANT
IN ALL THE PETITIONS

CR.NO.61/2007

IN CRL OP(MD)No.4650 of 2018

CR.NO.60/2007

IN CRL OP(MD)No.4651 of 2018

CR.NO.59/2007

IN CRL OP(MD)No.4652 of 2018

CR.NO.58/2007

IN CRL OP(MD)No.4655 of 2018

For Petitioner : M/S.C.PANDITHURAI Advocate IN ALL THE PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side) IN ALL THE PETITIONS

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

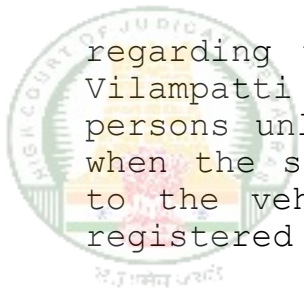
ORDER : The Court Made the following order :-

COMMON ORDER

Since, the petitioner in these four petitions is the same person and she involved in the same occurrence registered in different Crime Nos.61, 60, 59 and 58 of 2007, these four petitions are taken up together, heard and disposed of by way of common order.

The petitioner/Accused No.92, 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.Nos.79,78,77 & 76 of 2010, on the file of the learned Chief Judicial Magistrate, Dindigul, for the alleged offences punishable under Sections 147, 148, 332, 336, 307 IPC., and Section 3(1)(2) of TNPPDL Act, in Crime Nos.61, 60, 59 and 58 of 2007, respectively, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.05.2007, at about 4.30 p.m., when the defacto complainant, who is the Tahsildar of Nilakottai along with the HR&CE officials were in the police station



regarding the issue of counting the amount of the Hundial of the Vilampatti Muthalamman temple, the petitioner and all other accused persons unlawfully assembled with deadly weapons and pelted stones, when the same was questioned, they assaulted him and caused damage to the vehicle of the HR&CE officials. Hence, the case has been registered for the above said crime.

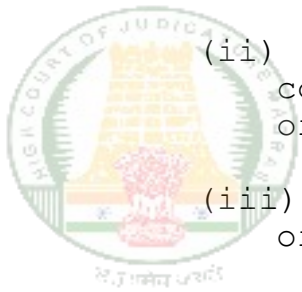
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3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, she has been falsely implicated in this case. He also submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that on 19.08.2017, since the petitioner went to her daughter's delivery, she did not appear before the Court concerned. Except that date, she was regularly appeared before the trial Court. Further he added that the absence of the petitioner is neither willful nor wanton. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, submitted that totally 103 accused involved in this case. He further submitted that after filing charge sheet, the cases were taken on file by the learned Chief Judicial Magistrate, Dindigul and due to the non-appearance of the petitioner, the learned Chief Judicial Magistrate issued non bailable warrant on 14.02.2018 and thereafter, the petitioner was arrested and remanded to judicial custody on 19.02.2018. He further submitted that except the petitioner, with regard to 13 other accused, non-bailable warrant is pending. All the other remaining accused in these cases are regularly appearing before the Court concerned.

5. The submissions made by the learned counsels appearing for either side are considered. As of now, the petitioner is facing trial in S.C.Nos.79,78,77 & 76 of 2010, on the file of the learned Chief Judicial Magistrate, Dindigul. The said cases are pending from 2007 itself. During the time of trial proceedings, due to her personal problem, the petitioner did not appear on 14.02.2018. So, the learned Chief Judicial Magistrate, Dindigul issued non-bailable warrant against the petitioner on 14.02.2018 and the same was executed on 19.02.2018. The date of execution shows that the petitioner was regularly appeared before the trial Court till 14.02.2018. Thereby, we cannot come to the conclusion that the petitioner is disobeying the order passed by the Court. Accordingly, 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),
- (ii) two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Dindigul;



- (ii) the petitioner shall report before the Court concerned, daily at 10.00 a.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/-
26/03/2018

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

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 2 THE OFFICER IN CHARGE,
SUB JAIL, NILAKOTTAI.
- 3 THE SUB INSPECTOR OF POLICE
VILAMPATTY POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+4. CC to M/S.C.PANDITHURAI Advocate SR.Nos.4758 to 4761

ORDER IN
CRL OP(MD) Nos. 4650, 4651, 4652 & 4655 of 2018
Date :26/03/2018