



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

Wednesday, the Eighteenth day of April Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.4712 of 2018

M.KANNAN @ KANTHASAMY @ KANNAPIRAN ... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.84/2016

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.S.VAIGUNTH, Advocate

For Respondent : Mr.M.ASHOKAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner / A1, who was remanded on 10.03.2016 in Crime No.84 of 2016 on the file of respondent police for the offence punishable under Sections 147, 148, 302 of IPC and Section 3 of Explosive Substances Act, 1908 altered into 147, 148, 149, 120(b), 109, 302 and 201 IPC and Section 3 of Explosive Substances Act, 1908 in Crime No.84 of 2016 on the file of the respondent police and subsequently it was charge sheeted and numbered in P.R.C.No.12 of 2016 pending on the file of the learned Judicial Magistrate Tiruchendur, seeks bail.

2.The petitioner himself surrendered before the learned Judicial Magistrate No.II, Pudukkottai on 10.03.2016 and he is in custody from that date on wards. The report dated 05.04.2018 received from the learned Judicial Magistrate, Tiruchendur it reveals that Non Bailable Warrant was issued against Accused Nos. 4 and 10 and are still pending and because of the case of the pendency of the NBW and the absence of the other accused there is no progress in the committal proceedings. It is admitted that the petitioner is in custody for more than two years. In earlier occasions also the bail petitions filed by the petitioner were dismissed stating that committal proceedings are pending. However, on perusal of the report submitted by the learned Judicial



Magistrate, Tiruchendur, there is no progress in the committal proceedings for non-cooperation of the other accused, who were on bail by filing Section 317 Cr.P.C. petitions through their counsel in this case. The petitioner is in jail for more than two years. There are totally 21 accused in this case.

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3. Considering the above facts and circumstances, 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.15,000/- (Rupees Fifteen Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur.

(ii) the petitioner shall stay at Trichy after the next date of release from Jail and appear and sign before the learned Principal District Judge, Trichy till 10.05.2018 daily at 10.30 a.m. and thereafter the petitioner is directed to appear before the Judicial Magistrate, Tiruchendur 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/-
18/04/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE ,
<https://hcservices.ecourts.gov.in/hcservices/>
TIRUCHENDUR , THOOTHUKUDI DISTRICT



2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE PRINCIPAL DISTRICT JUDGE,
TRICHY

4 THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION,
THOOTHUKUDI DISTRICT,

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.P.SINGARAVEL Advocate SR.No.6559

ls

JAM/20/04/2018/ CM-VR /ASVM/ 3p-8c

ORDER

IN

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Date :18/04/2018