



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

Tuesday, the Twenty Seventh day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4822 of 2018

VELMURUGAN @ LEFT MURUGAN

... PETITIONER / ACCUSED

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.73 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.VINOTH BHARATHI Advocate

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

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

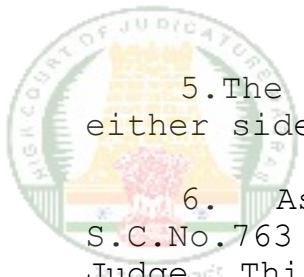
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, was arrested and remanded to judicial custody on 03.07.2017 for the offences punishable under Sections 294(b), 323, 506(ii) and Section 3 of TNPPDL Act, in Crime No.73 of 2015 in S.C.No.763 of 2016 on the file of Principal District Sessions Judge, Thirunelveli, seeks bail.

2. The case of the prosecution is that the petitioner is said to have assaulted the defacto complainant with hands and also threatened him with dire consequences.

3. The learned counsel appearing for the petitioner submitted that due to viral fever the petitioner was not able to attend the Court and hence, a non-bailable warrant was issued against him on 28.11.2016. He further submitted that on execution of the warrant, the petitioner was languishing in jail from 03.07.2017.

4. Heard the learned Government Advocate (Criminal Side) appearing for the State.



5. The submissions made by the learned counsel appearing on either side are considered.

6. As of now, the case is pending against the petitioner in S.C.No.763 of 2016, on the file of the Principal District Sessions Judge, Thirunelveli and in the above said case charges have been framed against the petitioner for the offences punishable under Sections 294(b), 323, 506(ii) and Section 3 of TNPPDL Act. According to the prosecution, part of the trial proceedings are completed and the petitioner is in judicial custody from 03.07.2017. Moreover, the petitioner is not having any previous cases in similar type of offences. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion that it is a fit case for granting bail to the petitioner. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent 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 Judicial Magistrate No.V, Thirunelveli.

(ii) the petitioner shall appear before the concerned Court daily at 10.00 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/-

27/03/2018

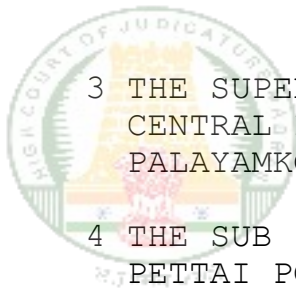
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.V,
THIRUNELVELI.

2 DO THOUGH THE CHIEF JUDICIAL MATISTRATE,
THIRUNELVELI DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

4 THE SUB INSPECTOR OF POLICE,
PETTAI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.VINOTH BHARATHI Advocate SR.No.4854.

ORDER

IN

CRL OP (MD) No.4822 of 2018

Date :27/03/2018

SDS/MM:PN/SAR.2/27.03.2018/3P/7C