



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

Monday, the Second day of April Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.4964 of 2018

RAMAN @ JEYARAMAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
TISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.301 OF 2004.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.DEENADHAYALAN Advocate

For Respondent : PRABU RAMACHANDRAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.1. He surrendered and was remanded to judicial custody on 22.08.2017. The case against him is for alleged offences punishable under Sections 147, 148, 341 and 302 r/w. 149 IPC, in Crime No.301 of 2004, on the file of the respondent police. It was taken on file in S.C.No.327 of 2015. He seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and others assaulted the deceased and thereby, caused the death of the deceased.

3.The learned counsel appearing for the petitioner submitted that the the petitioner had co-operated in the conduct of the trial from 2004 till 2015. Since the petitioner was absent on 21.08.2015, non-bailable warrant was issued against him. It is further submitted that the said NBW was not executed against the petitioner, but he voluntarily surrendered before the Court on 22.08.2017 and more than 7 months have elapsed. It is also pointed out that the case was spilt up against the co-accused and the same has ended in acquittal. In the present case, the trial is over and the case is posted for judgment on 13.04.2018.



4.The learned Government Advocate (Criminal side) submitted that the petitioner may await the outcome of the case and thereafter, the present case may be taken up for disposal.

5.At this stage, the learned counsel appearing for the petitioner submitted that the Presiding Officer has been transferred and it appears that the case is not likely to be taken up for judgment on 13.04.2018. The learned counsel appearing for the petitioner submitted that imposing certain conditions, this petition may be allowed. The learned counsel appearing for the petitioner undertakes that he will not file any petition for relaxing the condition to be imposed by this Court in this petition.

6.In view of the above and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail with certain 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Tirunelveli.
- (ii) The petitioner shall report before the respondent police daily twice i.e., at 10.00 a.m. and 5.00 p.m. till the judgment is pronounced.
- (iii) The petitioner shall not abscond.
- (iv) On breach of any of the aforesaid conditions, 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 learned 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/-
02/04/2018

/ TRUE COPY /

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



TO

1 THE FIRST ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
TISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.DEENADHAYALAN Advocate SR.No.5147.

ORDER

IN

CRL OP (MD) No.4964 of 2018

Date :02/04/2018

SDS/CM:VR/SAR.4/02.04.2018/3P/6C