



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

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21714 of 2018

MUTHUPANDI

... PETITIONER / SOLE ACCUSED

Vs

STAE REP.BY ITS
THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO. 1521 OF 2004)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.J.KARTHICK 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 was arrested by the respondent police on 15.11.2018, for the offences punishable under Sections 147, 148, 341, 435, 307 and 120(B) of IPC r/w. Section 3(a), 4(a) and 5(a) of E.S.Act and Section 3(1)(x), 3(2)(v) of SC/ST (POA) Act, 1989 and Section 4 of TNPPDL Act, in Crime No.1521 of 2004, on the file of the respondent police, seeks bail.

2. The petitioner was the second accused in S.C.No.81 of 2010 and during one of the hearing the petitioner had not appeared before the lower court and Non Bailable Warrant was issued against him on 14.06.2009 and the case was split up in S.C.No.25 of 2005. This Court in Crl.O.P(MD)17075 of 2014 has stayed the proceedings by an order dated 16.10.2014. In the meanwhile the case has been split up and S.C.No.81 of 2010 has been assigned. The petitioner was arrested on the strength of the Non Bailable Warrant issued on 15.11.2018 and he has been in custody from 15.11.2018

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he is not aware of the case, hence Non Bailable Warrant came to be issued.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that the alleged occurrence is said to have taken place in the year 2004 and hence the Non Bailable Warrant came to be issued.



5. Considering the above facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 II Additional District and Sessions Judge, Tirunelveli and on further condition that:

[a] the petitioner shall appear before Sessions Court on all hearing dates.

[b] the petitioner shall not tamper the witness during trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR Can be registered under Section 229 A IPC.

sd/-

07/12/2018

/ TRUE COPY /

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

TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.R.J.KARTHICK Advocate SR.No.22900
PS/PN/SAR-1/07/12/2018/2P/6C

ORDER

IN

CRL OP (MD) No.21714 of 2018

Date : 07/12/2018