



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

Friday, the Twentieth day of April Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.6419 of 2018

SUDALAIMUTHU @ KAKA SUDALAIMUTHU ... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
SIVANTHIPATTI, TIRUNELVELI DISTRICT.
(CRIME NO.109 OF 2012)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.PRAGALATHAN Advocate
For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU
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 the sole accused. He was arrested and remanded to judicial custody on 24.11.2016 for the offences punishable under Sections 449, 302 and 392 IPC in Crime No.109 of 2018, on the file of the respondent police. He seeks bail.

2.The petitioner facing trial in S.C.No.806 of 2016 on the file of the III Addl. Sessions Court, Tirunelveli. On account of his absence on one hearing, Non-Bailable Warrant came to be issued and he was arrested. He is in custody for more than 1 and half years.

3.The learned counsel for the petitioner undertakes that the petitioner shall appear before the respondent Police daily at 06.00 p.m. till the trial in S.C.806 of 2016 gets concluded. He further undertakes that the petitioner shall not apply for relaxation.

4.Recording the undertaking given by the petitioner, 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 Judicial Magistrate Court No.3, Tirunelveli.



(ii)the petitioner is directed to appear before the respondent police daily at 06.00 p.m. till the trial in S.C.806 of 2016 gets concluded.

(iii)the petitioner shall not abscond.

(iv)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/-
20/04/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
SIVANTHIPATTI, TIRUNELVELI DISTRICT.

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

+2. CC to M/S.N.PRAGALATHAN Advocate SR.No.6657

ORDER
IN
CRL OP(MD) No.6419 of 2018
Date :20/04/2018

MKV-CM-VR-GSR/20.4.2018/2P-8C