



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21881 of 2018

T.KARUTHAPANDI

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.361/2014

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.I.PINAYGASH, Advocate
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

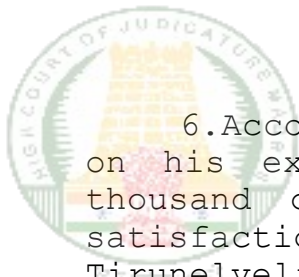
The petitioner was arrested and remanded to judicial custody since 29.11.2018 for the offence punishable under Sections 143, 353, 506(ii) I.P.C and Section 4 of Tamil Nadu Open Places (Prevention of Disfigurement) Act 1959, in Crime No.361 of 2014, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and others laid the Board of freedom fighter Nethaji Subash Chandra Bose and Muthuramalingadevar in their village and creating law and order problem. Hence the complaint.

3.The learned counsel for the petitioner submitted that after investigation charge sheet has been filed in C.C.No.370 of 2017, before the learned Judicial Magistrate, Sivagiri. During the trial the petitioner did not appear before the trial court, hence Non Bailable Warrant issued on 30.05.2018 and he was arrested on 29.11.2018.

4.Heard the learned Additional Public Prosecutor for the respondent.

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



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 Judicial Magistrate Court, Sivagiri, Tirunelveli District and on further condition that:

[a] the petitioner shall report before the learned Judicial Magistrate Court, Sivagiri, Tirunelveli District on all hearing dates.

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

[c] the petitioner shall not tamper with evidence or witness 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 229A IPC.

sd/-

11/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, SIVAGIRI,
TIRUNELVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
SANKARANKOVIL, TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.I.PINAYGASH Advocate SR.No.23007

ORDER

IN

CRL OP(MD) No.21881 of 2018

Date :11/12/2018

MS/PN-AC/SAR-3/11.12.2018/2P.7C