



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

Thursday, the Twenty Sixth day of July Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.12613 of 2018

CAMBEL MILLA @ CAMBEL WILLIAM MILLA ...PETITIONER/ ACCUSED No.1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT.
Crime No. 8 of 2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.A.ALEXANDER Advocate

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU
Govt. Advocate (Crl. Side)

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

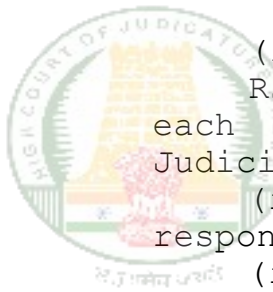
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1. He was arrested and remanded to judicial custody on 01.05.2018 for the offences punishable under Sections 120(b), 420 and 406 IPC, in Crime No.8 of 2018, on the file of the respondent police. He seeks bail.

2.For the offence under Section 420 of IPC the maximum punishment is 7 years. For the offence under Section 406 IPC the maximum punishment is 3 years. Therefore in terms of Section 167 (2) of Cr.P.C the petitioner would be entitled to statutory bail if final report is not filed within 60 days of arrest. Now the petitioner is in custody for more than 87 days. Till date final report has not been filed. Therefore, the petitioner is entitled to statutory bail.

3.The petitioner is a Nigerian national. The petitioner is said to have defrauded the defacto complainant to the tune of Rs.52 lakhs. Therefore, this Court is of the view that the petitioner will have to offer proper sureties.

4.Taking note of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner 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.2,00,000/- (Rupees Two lakhs Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders.

(iii) the petitioner also shall surrender his passport.

(iii) 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].

5. The respondent is directed to file the final report within a period of 30 days from the date of receipt of a copy of this order. The said final report shall be taken on file without any delay by the Jurisdictional magistrate. The trial shall be conducted as speedily and concluded within a period of three months thereafter. Since such a direction to conclude the trial has been given, the condition to appear daily except on hearing dates shall not be modified or relaxed.

sd/-
26/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THENI.

2. THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON PUZHAI, CHENNAI DISTRICT.

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

+1. CC to Mr.A.ALEXANDER Advocate SR.No.14050

ORDER
IN
CRL OP(MD) No.12613 of 2018
Date : 26/07/2018