



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

Monday, the Thirtieth day of July Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.13351 of 2018

BOSE

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.185/2007

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.UTHAYAKUMAR, 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 :-

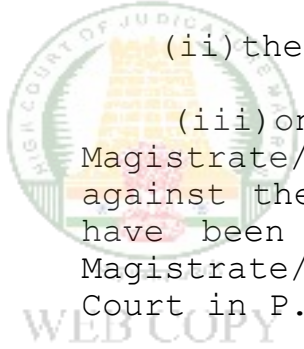
The petitioner is in judicial custody since 26.05.2018 for the offences punishable under Sections 402 and 399 I.P.C, in Crime No.185 of 2007 on the file of the respondent police. He seeks bail.

2.The petitioner's earlier bail petition was dismissed by citing his long abscondence. The learned counsel for the petitioner submits that the summon itself was issued only in the year 2017 and therefore it would not be correct on the part of the prosecution to allege that the petitioner was absconding for long time.

3.The learned Government Advocate (Crl.Side) submitted that the petitioner is not having any previous case and he has not come under the adverse notice for the last 7 years.

4.Taking note of the fact that the petitioner is in judicial custody since 26.05.2018, this Court is inclined to grant bail to the petitioner. 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 No.VI, Madurai.



(ii) the petitioner shall not abscond.

(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].

(iv) The learned Judicial Magistrate No.VI, Madurai is directed to expedite the committal proceedings in P.R.C.No.34 of 2018. With this direction, this Criminal Original Petition is allowed.

sd/-
30/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.UTHAYAKUMAR Advocate SR.No.14348

ORDER
IN
CRL OP(MD) No.13351 of 2018
Date : 30/07/2018

MS/MMS/SAR-2/30.07.2018/2P.7C