



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

Friday, the Twenty Third day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20811 of 2018

ANGUNATHAN

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI- 630 610.
IN CRIME NO.107 OF 2002

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.KARUNANIDHI, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

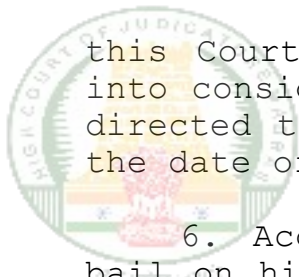
The petitioner was arrested and remanded to judicial custody since 07.10.2018 for the offences punishable under Section 379 IPC, in Crime No.107 of 2002, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.09.2018, the non bailable warrant issued against the petitioner for his non appearance. On 07.10.2018, the petitioner was arrested. The case is of the year 2002, still no witnesses have been examined and the case is posted on 13.12.2018 for examination of L.W.1 to L.W.4.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel for the petitioner undertakes that the petitioner will co-operate with the trial and the same analysis will be adopted in the other cases pending against him.

4.The learned Government Advocate (Crl.side) for the respondent submitted the before the same Court, 13 other cases of similar nature is pending.

5. Considering the facts and circumstances of the case, the undertaking given by the petitioner, the period of incarceration of the petitioner and the inordinate delay for commencing the trial,



this Court is inclined to grant bail to the petitioner. Taking into consideration the case is of the year 2002, the trial Court is directed to complete the trial within a period of four months from the date of receipt of a copy of this order.

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, Manamadurai and on further condition that:

[a] the petitioner shall report before the trial Court on every Monday at 10.30 a.m., until further orders.

[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/-

23/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, MANAMADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
4. THE INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION, SIVAGANGAI- 630 610.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.KARUNANIDHI Advocate SR.No.21953

ORDER

IN

CRL OP(MD) No.20811 of 2018

Date :23/11/2018

MS/VR-MMS/SAR-3/23.11.2018/2P.7C