



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

Wednesday, the Twelfth day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.16465 of 2018

RAJARAVI

... PETITIONER / ACCUSED NO.5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CR NO. 74 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ANAND, Advocate
for M/S.P.SAMUEL GUNASINGH, Advocate

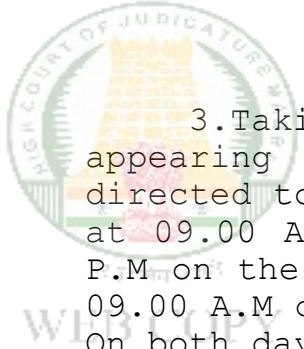
For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is figuring as accused No.5 in S.C No.467 of 2018 on the file of the Additional District and Sessions Judge No.IV, Tirunelveli. Taking note of the special circumstances obtaining in this case, this Court had dismissed the petitioner's earlier bail petition and also directed the Trial Court to conclude the entire trial proceedings within a time frame. Now, the petitioner has renewed his bail application by citing certain new material that has now come to his knowledge. The learned counsel appearing for the prosecution submitted that on the strength of this material, the other accused have filed criminal original petition seeking re-investigation. But, the same was dismissed.

2.This Court is of the view that the earlier order dismissing the petitioner's bail petition does not call for any re-visiting. But then, as rightly contended by the learned counsel appearing for the petitioner, the rights of the accused and his rights to a fair trial are sacrosanct. They will have to be taken due note of. The occurrence in question had taken place during night hours. Therefore, the defence counsel will need to closely interact with the accused for getting better instructions.



3. Taking note of the concerns expressed by the learned counsel appearing for the petitioner herein, the prison authorities are directed to let out the petitioner herein under escort by 13.09.2018 at 09.00 A.M. The petitioner shall go back to the prison by 08.00 P.M. on the same day. Likewise, he shall be similarly let out at 09.00 A.M. on Saturday and Sunday, namely, 15.09.2018 and 16.09.2018. On both days, he will have to go back to the prison by 07.00 P.M.

4. The learned Trial Judge shall commence the trial proceedings with the chief examination of P.W 1. It shall be posted for continuation on Monday, namely, 17.09.2018 and thereafter, the trial will go on a day to day basis.

5. With these directions, this Criminal Original Petition is disposed of.

sd/-
12/09/2018

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE NO.IV,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.

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

+1. CC to M/S.P.SAMUEL GUNASINGH Advocate SR.No.17481

ORDER
IN
CRL OP(MD) No.16465 of 2018
Date :12/09/2018