



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.A.(MD)No.435 of 2018

Petchimuthu @ Payasam Petchimuthu

.. Appellant/
Petitioner/ Accused No.1

Versus

1) State represented by
The Joint Superintendant of Police,
Rural Sub Division,
Tuticorin District.
Crime No.162/2015
Murappanadu Police Station,
Through the Public Prosecutor,
Tirunelveli.

.. 1st respondent /
respondent/ Complainant

2) P.Velmurugan

.. 2nd respondent /
De facto Complainant/De facto Complainant

Prayer: Criminal Appeal filed under Sections 14 A(2) of SC/ST Appeal to set aside the order passed by the learned II Additional District & Sessions Judge, Tirunelveli in Cr.M.P.No.2806 of 2018, dated 17.09.2018 and enlarge the appellant on bail in P.R.C.No.68 of 2016 in Crime No.162 of 2015 on the file of the respondent police.

For Appellant : Mr.R.Aravindraaj

For RR 1 : Mr.A.Robinson,
Government Advocate.
(Cr1., side)

J U D G M E N T

Heard Mr.R.Aravindraaj, learned counsel appearing for the appellant and Mr.A.Robinson, learned Government Advocate (Criminal side) appearing for the first respondent.

2. The petitioner herein, is facing trial for offence under section 302 IPC. He was earlier granted bail but jumped jail. Hence, the appellant was secured after executing non-bailable warrant. The records indicate that the accused is facing trial in multiple cases including 302 IPC.



3. The learned Government Advocate would submit that there is life threat to the appellant and if he is released on bail under any condition, his life will be in danger.

4. Further, learned Government Advocate would also submit that two more accused are still at large and due to their abscondance, the Court below is not able to commit the case to the Sessions Court.

5. Considering the statement, bail is granted to the appellant on the following condition:

- (i) The appellant shall stay at Sivagangai Town and report before the Town Police Station (except on the day of hearing), daily at 10:30 a.m.;
- (ii) the appellant shall be enlarged on bail, on his executing of a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of II Additional District & Sessions Judge, Tirunelveli ;
- (iii) the appellant shall attend the trial, without fail;
- (iv) the appellant shall not tamper with the evidence or witness and
- (v) on breach of any of the aforesaid conditions, the learned trial Judge is entitled to take appropriate action, as if the conditions have been imposed and the appellant released on bail by the trial Judge himself as laid down by Hon'ble Supreme Court in P.K.Shaji vs State of Kerala in 2005 AIR SCW 5560.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar (CS-III)

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To

1. The II Additional District &
Sessions Judge,
Tirunelveli

2. The Judicial Magistrate,
Sri Vaikundam.



3.The Joint Superintendent of Police,
Rural Sub Division,
Tuticorin District.

4.The Inspector of Police,
Town Police Station,
Sivgangai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

6.The Superintendent,
Central Prison,
Madurai.

+1cc to Mr.R.Aravindraaj, Advocate in SR No.91821

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NM/RSK/SAR III/25.10.18/3P/8C