



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.R.C. (MD)No.16 of 2019

Esakki Pandey

... Petitioner/Petitioner /Appellant

Vs.

The State of Tamil Nadu,
Rep by its The Sub-Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
(Crime No.98/2018)

...Respondent / Respondent/Complainant

Prayer : This Revision Case is filed under Section 397 r/w 401 of Cr.P.C., 1973, to set aside the order dated 06.12.2018 made in Cr.M.P.No.6614 of 2018 in C.A.No.142 of 2018 on the file of the learned Court of Sessions, Tirunelveli Division and consequently to release the petitioner on bail pending disposal of C.A.No.142 of 2018 on the file of the learned Court of Session, Tirunelveli Division.

For Petitioner : Mr.M.S.Jeyakarthish

For Respondent : Mr.A.Robinson
Government Advocate (Cr1.Side)

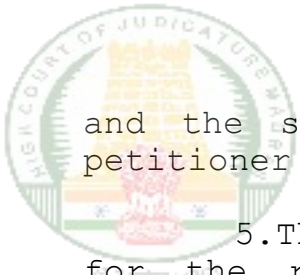
O R D E R

Heard Mr.Jayakarthish, learned counsel appearing for the petitioner and Mr.A.Robinson, learned Government Advocate (Criminal Side) appearing for the respondent.

2.This Criminal Revision Case has been filed to set aside the order dated 06.12.2018 made in Cr.M.P.No.6614 of 2018 in C.A.No.142 of 2018 on the file of the learned Court of Sessions, Tirunelveli Division and consequently to release the petitioner on bail pending disposal of C.A.No.142 of 2018 on the file of the learned Court of Session, Tirunelveli Division.

3.The petitioner, who is arrested and remanded to judicial custody, for the offences punishable under Sections 457 & 380 I.P.C., on the file of the respondent police, seeks bail.

4.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case



and the same has not been considered properly and already the petitioner was in custody from more than three years.

5.The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, would submit that previous cases pending against the accused and the accused already absconded. In this circumstances the order passed by the lower Court warrants interference. He would further submit that if the petitioner/accused is released on bail, he will tamper with the prosecution witnesses and hamper the investigation and therefore, he objected to grant bail to the petitioner.

6.Considering the above facts and circumstances of the case and also considering the fact that, this Court is inclined to allow the Criminal Revision Case by setting aside the order, dated 06.12.2018 made in Cr.M.P.No.6614 of 2018 in C.A.No.142 of 2018 on the file of the learned Court of Sessions, Tirunelveli Division.

7.Accordingly, the Criminal Revision Case is allowed and the order, dated 06.12.2018 made in Cr.M.P.No.6614 of 2018 in C.A.No.142 of 2018 on the file of the learned Court of Sessions, Tirunelveli Division, is set aside. 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 Sessions Judge, Tirunelveli Division, and on further condition that:

[a] the petitioner shall appear before the concerned court, daily twice i.e. at 10:30 a.m., in the morning and 05:30 p.m., in the evening until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the 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 Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Principal Sessions Judge, Tirunelveli

2.The Judicial Magistrate No.III,
Tirunelveli.

3.The The Sub-Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.

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

+1cc to Mr.M.S.JEYAKARTHIK, Advocate, SR.No.54126

Cr1.R.C. (MD) No.16 of 2019

VSD

KK/SAR-/27.03.2019/3P-6C

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