



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.2433 of 2020

1. Nagavelu @ Naga Arjun  
2. Siva @ Sivanandham

... Petitioners/Accused No.1 & 2

Vs

State rep.by  
The Inspector of Police,  
Kenikkarai Police Station,  
Ramanathapuram District.  
(In Crime No.26 of 2020)

... Respondent/Complainant

For Petitioners : M/s.C.Susi Kumar,  
Advocate.

For Respondent : Mrs.M.Ananthadevi,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

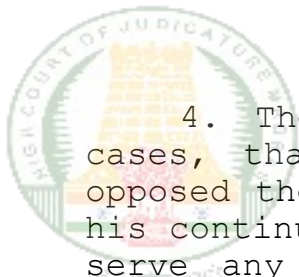
for Bail in Crime No.26 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are in custody since 20.01.2020 for the offences under Sections 294(b), 506(ii), 394 and 397 of I.P.C. and Section 3 of Tamilnadu Public Property (Prevention of Damage and Loss) Act, in Crime No.26 of 2020 on the file of the respondent police. Hence, they seek bail.

3. When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) states that Act 14, 1982 has been invoked against the first petitioner. Therefore, this criminal original petition is dismissed as regards the first petitioner.



4. The second petitioner of course is having four previous cases, that is why, the learned Government Advocate (Crl. Side) opposed the grant of bail to him. But then, I am of the view that his continued incarceration of the second petitioner is not going to serve any purpose. Hence, I am inclined to enlarge the second petitioner on bail with certain conditions. Accordingly, the second petitioner is ordered to be released on bail, subject to the following conditions;

(i) the second 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 Judicial Magistrate No.II, Ramanathapuram.

(ii) the second petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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].

sd/-  
26/02/2020

/ TRUE COPY /

/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE SUPERINTENDENT, SUB JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,  
KENIKKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SUSI KUMAR, Advocate ( SR-4133[I] dated 26/02/2020 )

ORDER  
IN  
CRL OP(MD) No.2433 of 2020  
Date :26/02/2020

MS/PN/SAR-4/26.02.2020/2P.7C

<https://hcservices.ecourts.gov.in/hcservices/>