



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

Date : 04/06/2020

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PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.4388 of 2020

Selvarasu

... Petitioner/A.6

Vs

State through
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.179 of 2004).

... Respondent

For Petitioner : M/s.N.Jeyaram Sidharth,
Advocate.

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

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

PRAYER :-

for Bail in Crime No.179 of 2004 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

2. The petitioner seeks bail, since he has been arrested pursuant to the issuance of non bailable warrant in S.C.No.399 of 2017 on the file of the First Additional District and Sessions Judge, Madurai. The said case is the culmination of Crime No.179 of 2004 registered on the file of the respondent police for the offences under Sections 147, 148, 114, 324 and 302 of IPC.



3. On account of the abscondance of the petitioner, the case had to be split up and A1 and A2 were separately tried and they had also been acquitted. The petitioner's abscondance was cause for splitting up the said case.

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4. The learned Government Advocate (Criminal side) points out that apart from his abscondance, yet another case under Section 302 of IPC is also pending against him and he therefore opposed the grant of bail.

5. Considering the long period of incarceration undergone by the petitioner and the fact that the main accused have been acquitted in the split up case, I am inclined to show indulgence. However, I have to take note of the fact that because of the abscondance of the petitioner, the system has to undergo a stress. For the split up case, an independent trial has to be conducted by the trial Court. It is made clear that unless the petitioner pays a heavy cost, I am not inclined to show any indulgence.

6. The petitioner through his counsel comes forward to remit a sum of Rs.50,000/- to the credit of Crime No.179 of 2004 on the file of the Melavalavu Police Station before the jurisdictional Magistrate. This will be an unconditional payment. The petitioner also gives an undertaking through his counsel that he will sign before the local police station daily evening at 07.00 p.m. The petitioner gives a further undertaking that till both these cases are concluded, he will comply with this condition.

7. Such a strict condition is imposed in order to ensure that the petitioner does not abscond again. Registry is strictly directed not to number any relaxation or modification petition that may be filed by the petitioner herein. Since these two conditions are imposed to be complied with by the petitioner herein, I am of the view that his continued incarceration is not necessary.

8. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the 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 learned First Additional District and Sessions Judge, Madurai.

(ii) the petitioner shall remit a Rs.50,000/- to the credit of Crime No.179 of 2004 on the file of the Melavalavu Police Station before the jurisdictional Magistrate.

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner shall report before the local police



station daily evening at 07.00 p.m., till both these cases are concluded.

(iv) 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].

9. The District Legal Services Authority, Madurai, is permitted to withdraw the said amount and spend it for the welfare of the inmates of the Government Leprosy Home at Pudupatti, Madurai and a report thereof will be filed in the Registry.

sd/-
04/06/2020

/ TRUE COPY /

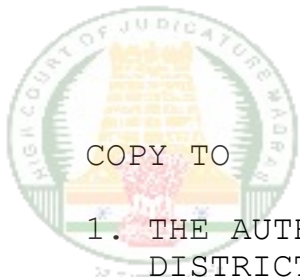
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE 1ST ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
3. THE INSPECTOR OF POLICE,
MELAVALLAVU POLICE STATION,
MADURAI DISTRICT.
4. THE INSEPCTOR OF POLICE,
VEERASOLAN POLICE STATION,
VIRUDHUNAGAR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,



COPY TO

1. THE AUTHORIZED OFFICER,
DISTRICT LEGAL SERVICES AUTHORITY,
MADURAI.
2. THE OFFICER IN CHARGE,
GOVERNMENT LEPROSY HOME AT PUDUPATTI,
MADURAI.

+1.CC to M/S.N.JEYARAM SIDHARTH, Advocate (SR.No.5760 dated
04/06/2020)

ORDER
IN
CRL OP (MD) No.4388 of 2020
Date :04/06/2020

RMI
SRS/ JC/ SAR-III/ 04.06.2020/ 4P/9C