



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

Friday, the Twelfth day of June Two Thousand Twenty
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CRL OP(MD) No.5817 of 2020

P.STEPHEN

... PETITIONER / ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
(CRIME NO.84 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/s.A.Arputharaj, Advocate.

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

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

PRAYER :-

For Bail in Crime No. 84 of 2014 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(Crl. Side) appearing for the respondent.

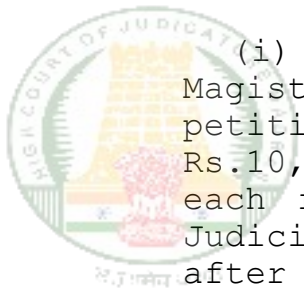
2. The petitioner is arrayed as accused No.2. He was arrested and remanded to Judicial Custody on 21.03.2020 for the offences punishable under sections 379 of I.P.C., in Crime No.84 of 2014 on the file of the respondent police. He seeks bail.

3. The petitioner is facing trial in C.C.No.67 of 2018 on the file of the Judicial Magistrate, Paramakudi.

4. The learned Government Advocate(Crl. Side) pointed out that the petitioner is having bad antecedents. But then it is seen that after the year 2015, the petitioner has not come under the adverse notice of the respondent, though the history sheet has been opened against him.

5. The petitioner through counsel gives a solemn undertaking that he will attend all future hearings without any default and if he is absent in any single hearing and no petition under Section 317 of Cr.P.C. is filed, it would be open to this Court to cancel the bail that is now granted.

5. Recording the said undertaking given by the petitioner, 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 be released on own bond by the Magistrate without insisting on sureties. However, the petitioner is directed to 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 Judicial Magistrate, Paramakudi, Ramanathapuram District, after the concerned Court is reopened on regular basis.

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

(iii) on breach of any of the aforesaid conditions, the 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 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/-
12/06/2020

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/ /2020
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 JUDICIAL MAGISTRATE, PARAMAKUDI
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM
- 3 THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION, PARAMAKUDI,
- 4 THE SUPERINTENDENT, DISTRICT JAIL, RAMANATHAPURAM
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL OP(MD) No.5817 of 2020
Date :12/06/2020

SMA/SKN/SAR-II/15/06/2020/2P/6C