



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/06/2020
PRESENT

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

CRL OP(MD) . No.5838 of 2020

Manikandan

... Petitioner/2nd Accused

Vs

The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai, Sivagangai District.
(Crime.No.817 of 2013)

... Respondent/Complainant

For Petitioner : M/s.P.Krishnaveni, 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.817 of 2013 on the file of the Respondent Police.

ORDER : The Court made the following order :-

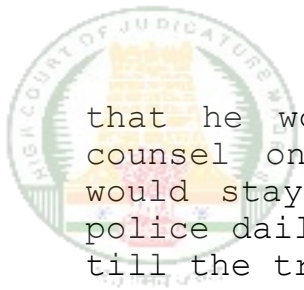
Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is facing trial in S.C.No.194 of 2016 on the file of the Fast Track Mahila Court, Sivagangai, for the offences under Section 201, 380 and 302 of I.P.C.

3. The petitioner is figuring as accused No.2. On account of abscondence on 12.09.2019, trial could not commence. The petitioner was however arrested on 19.09.2019 itself. The petitioner is in custody ever since.

4. The learned Government Advocate(Crl. Side) points out that the petitioner is hailing from Dharmapuri District and that therefore it would be difficult to secure him if he absconds. He would also point out that there is one other murder case registered against the petitioner herein.

5. Taking note of the serious objections raised by the learned Government Advocate(Crl. Side), I put a question to the petitioner's counsel as to how the petitioner can assure this Court



that he would be available to face the trial. The petitioner's counsel on instruction gives an undertaking that the petitioner would stay in Sivagangai itself and report before the respondent police daily at 6.00 p.m. and that he would continue to be available till the trial is over.

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6. The petitioner's counsel gives a further undertaking that the petitioner will not apply for modification or relaxation of this condition. Registry shall not number any such petition that may be filed by the petitioner herein.

7. The case itself is of the year 2013. Therefore, the prosecution is also directed to expedite the trial. This direction to expedite the trial is given because the petitioner has been put on stiff terms.

8. Recording the said undertakings given by the petitioner and subject to the aforesaid direction, 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 Judge 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 Sessions Judge, Fast Track Mahila Court, Thanjavur District, after the concerned Court is reopened.

(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 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

10/06/2020

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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



TO

1. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, THANJAVUR DISTRICT.
2. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, SIVAGANGAI.
3. THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI, SIVAGANGAI DISTRICT.
4. THE OFFICER INCHARGE, SUB JAIL, RAMANATHAPURAM.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5838 of 2020
Date :10/06/2020

AE/PN/SAR-2/10.06.2020/3P.6C