



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

Friday, the Thirtieth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20662 of 2018

MAYILVAHANAN @ DINESH

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
WEST POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO.140 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.M.KARUNAKARAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

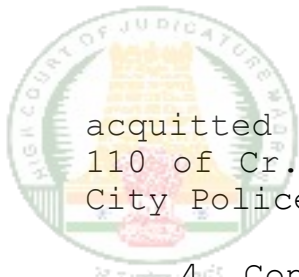
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 07.05.2018 for the offences punishable under Sections 394 of IPC altered into 397 of IPC in Crime No.140 of 2018, on the file of the respondent police, seeks bail.

2.The learned counsel appearing for the petitioner would submit that initially the petitioner was granted bail by the learned Judicial Magistrate No.I, Thanjavur in Cr.M.P.No.2827 of 2018, on 24.05.2018, but he could not execute the sureties and he was in jail. In the meanwhile, the section was altered from 394 of IPC to 397 of IPC. Therefore, the petitioner filed the present bail application seeking bail. He would further submit that the he is in jail for more than 200 days and the property involved in this case has already been recovered. The case has been committed to the Sessions Court in S.C.No.163 of 2018.

3.The learned Government Advocate (Crl.side) on instructions would submit that on completion of the investigation, the case has been altered from 394 of IPC to 397 of IPC and the charge sheet has been filed. The petitioner was involved in 7 previous cases and out of which, one is under Section 302 of IPC and another is under Section 307 of IPC and in these two cases, the petitioner had been



acquitted by the trial Court. The other three cases under Section 110 of Cr.P.C., 107 of Cr.P.C., and Section 175 of the Tamil Nadu City Police Act.

4. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur, and on further condition that:

[a] the petitioner shall report before the learned Magistrate No.I, Thanjavur on all hearing dates.

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

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

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE
WEST POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.M.KARUNAKARAN Advocate SR.No.22431

ORDER IN

CRL OP(MD) No.20662 of 2018
Date :30/11/2018