



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

Monday, the Fourteenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21828 of 2015

MANIKANDAN @ SWAMIYADI MANIKANDAN

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
ERANIAL POLICE STATION,
CRIME NO. 230/2004,
KANYAKUMARI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.PRABHU Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

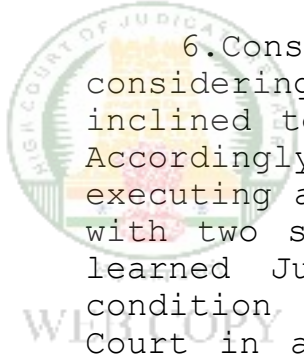
The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 22.10.2015 for the alleged offences punishable under Sections 302 r/w 34 of IPC, in Crime No.230 of 2004, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the petitioner and others conspired together and assaulted the deceased with stick and pipe and murdered the deceased. Therefore, the case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution and earlier he was enlarged on bail in the year 2004. Due to sickness, the petitioner could not appear before the Court, therefore, Non-Bailable Warrant was issued on 24.03.2015 and he was arrested on 22.10.2015.

4.The learned Government Advocate (Crl.side) submitted that charge-sheet has been filed in S.C.No.7 of 2013 and the same is pending before the District and Sessions Judge, Nagercoil, Kanyakumari Division at Nagercoil and he did not appear before the Court and he did not co-operate for conducting trial and hence, Non-Bailable Warrant was issued on 24.03.2015 and he was arrested and remanded to judicial custody on 22.10.2015.

5.The learned counsel for the petitioner contended that due to illness, the petitioner could not appear before the Court and the petitioner undertakes to appear before the Court regularly and co-operate for conducting trial.



6. Considering the facts and circumstances of the case and also considering the fact that the case is ripe for trial, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on executing 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, Eraniel, Nagercoil and on further condition that the petitioner shall appear before the concerned Court in all future hearings without fail and without filing any petition for dispense with his appearance.

sd/-

14/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE ,ERANIEL, NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
NAGERCOIL AT KANYAKUMARI DISTRICT.
- 3 THE DISTRICT AND SESSIONS JUDGE, NAGERCOIL,
KANYAKUMARI DIVISION AT NAGERCOIL.
- 4 THE INSPECTOR OF POLICE, ERANIAL POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

+1. CC to M/S.K.PRABHU Advocate SR.No.71417

CSL/SKS-RR/SAR-I/15.12.2015

2P/8C

ORDER

IN

CRL OP(MD) No.21828 of 2015

Date :14/12/2015