



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

Tuesday, the Fifth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11014 of 2016

R.RAVI

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KULASEKARAM POLICE STATION
KANYAKUMARI DISTRICT
CR.NO.160/2013

... RESPONDENT / COMPLAINANT

For Petitioner : M/S T.RAMASAMY Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (CrI. Side)

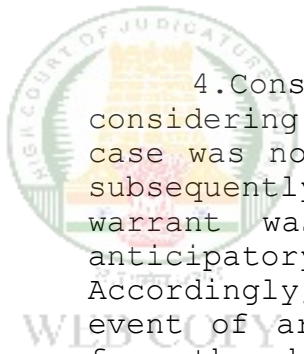
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(i) and 5 of TNPPDL Act, in Crime No.160 of 2013, on the file of the respondent police and hence, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that the petitioner has been arrayed as accused No.1 in Crime No.160 of 2013 on the file of the respondent police and charge sheet has been filed before the learned Judicial Magistrate, Padmanabapuram and taken on file in P.R.C.No.20 of 2016 and the learned Judicial Magistrate, Padmanabapuram had committed the case to the Court of Sessions, Nagercoil and directed the petitioner to appear before the Sessions Court, Nagercoil on 21.04.2016 and accordingly the petitioner was appeared before the Sessions Court, Nagercoil on 21.04.2016 and till 05.00 p.m., the case was not called in the open Court and the petitioner was informed by the Court staff that summons will be issued to him and on that day, he has to appear before the Sessions Court and believing the said information, he left the Court premises. He did not receive any summons from the Sessions Court, Nagercoil. The petitioner came to know that the case bundle was received by the Sessions Court, Nagercoil on 21.04.2016 only after 05.00 p.m. and the case was called after 05.00 p.m. and when the petitioner was not appeared, non-bailable warrant was issued against him.

3.The learned Government Advocate(CrI.side) submitted that the petitioner did not appear on 21.04.2016 and therefore non-bailable warrant was issued against him.



4.Considering the facts and circumstances of the case and also considering the contentions made on the side of the petitioner that the case was not called in the open Court till 05.00 p.m. on 21.04.2016 and subsequently the petitioner left the Court premises and non-bailable warrant was issued against him, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Padmanabapuram, on condition that 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the Sessions Court, Nagercoil for all future hearings regularly;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
05/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PADMANABAPURAM.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.
- 3 THE SESSIONS JUDGE, NAGERCOIL.
- 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE INSPECTOR OF POLICE, KULASEKARAM POLICE STATION, KANYAKUMARI DISTRICT

+1. CC to M/S T.RAMASAMY Advocate SR.No.34879.

ORDER
IN
CRL OP(MD) No.11014 of 2016
Date :05/07/2016