



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.11050 of 2016

1 SURESH
2 SENTHIL

..PETITIONERS/ACCUSED 2 & 3

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
KULASEKARAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.160/2013)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S T.RAMASAMY Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as accused Nos.2 and 3, who were arrested and remanded to judicial custody on 05.06.2016 for the alleged 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, seek bail.

2.The learned counsel for the petitioners submitted that the petitioners have been arrayed as accused Nos.2 and 3 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 petitioners to appear before the Sessions Court, Nagercoil on 21.04.2016 and accordingly the petitioners were 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 petitioners were informed by the Court staff that summons will be issued to them and on that day, they have to appear before the Sessions Court and believing the said information, they left the Court premises. They did not receive any summons from the Sessions Court, Nagercoil, but the respondent police arrested them on 05.06.2016. The petitioners came to know that the case bundles 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 petitioners were not appeared, non-bailable warrant was issued against them. They are in judicial custody from 05.06.2016 and prayed for enlarge the petitioners on bail.



3.The learned Government Advocate(Crl.side) submitted that the petitioners did not appear on 21.04.2016 and therefore non-bailable warrant was issued against them and thereafter they were secured on 05.06.2016.

WEB COPY

4.Considering the facts and circumstances of the case and also considering the contentions made on the side of the petitioners that the case was not called in the open Court till 05.00 p.m. on 21.04.2016 and subsequently the petitioners left the Court premises and non-bailable warrant was issued against them and they are in judicial custody from 05.06.2016, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners 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 learned Judicial Magistrate, Padmanabapuram;
- (ii) the petitioners shall report before the Sessions Court, Nagercoil for all future hearings regularly;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

5.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate Crl side), as to whether the petitioners are complying with the condition 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 SESSIONS JUDGE, NAGERCOIL, KANYAKUMARI DISTRICT.
<https://hcservices.ecourts.gov.in/hcservices/>

2 THE JUDICIAL MAGISTRATE, PADMANABAPURAM, KANYAKUMARI DISTRICT.



3 -do-thro' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

4 THE INSPECTOR OF POLICE, KULASEKARAM POLICE STATION,
KANYAKUMARI DISTRICT.

5 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

6 THE OFFICER-IN-CHARGE, DISTRICT JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.

+1. CC to M/S T.RAMASAMY Advocate SR.No.34878

ORDER IN
CRL OP (MD) No.11050 of 2016
Date :05/07/2016

PBK/SK-SKN/SAR-III 05/07/2016 ::3P-8C::