



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

Friday, the Twenty Second day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12507 of 2016

B.VISHNUKUMAR

... PETITIONER/ACCUSED NO.2

Vs

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

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S M.SUBASH BABU Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 21.06.2016 for the alleged offences punishable under Section 3(1) of TNPPDL Act, in S.C.No.75 of 2016, on the file of the Sub Court, Padmanabapuram and hence, seeks bail.

2. It is submitted by the learned counsel for the petitioner that the petitioner was regularly appearing before the Sub Court, Padmanabapuram. Due to the ill-health of the petitioner, he was not able to appear before the trial Court on the date of hearing and as such Non-Bailable Warrant was issued against the petitioner herein on 21.04.2016. The petitioner was arrested on 21.06.2016.

3. The learned Government Advocate (Cr1. Side) submitted that deliberately the petitioner did not appear before the Trial Court and therefore, Non-Bailable Warrant was issued on 21.04.2016 and he was arrested on 21.06.2016.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioner was not present when the matter was called on 21.04.2016 and Non-Bailable Warrant was issued and he is in judicial custody from 21.06.2016, this Court is 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 execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the Sub Court, Padmanabapuram.
- (ii) the petitioner shall report before the learned Sub Court, Padmanabapuram daily at 10.30 a.m., for a period of two weeks and thereafter, appear before the said Court in all future hearing dates, without fail.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner 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 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]**.

5.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 condition or not.

sd/-
22/07/2016

/ TRUE COPY /

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

TO

- 1.THE SUBORDINATE JUDGE, PADMANABAPURAM
- 2.THE INSPECTOR OF POLICE, KULASEKARAM POLICE STATION
KANYAKUMARI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE OFFICER-IN-CHARGE, DISTRICT JAIL, NAGERCOIL

+1. CC to M/S M.SUBASH BABU Advocate SR.No.39192
RL/6C/2P/AAL/MPA/SARII/26/7/2016

ORDER
IN
CRL OP(MD) No.12507 of 2016
Date :22/07/2016