



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16039 of 2016

VINOTH

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT
CR. NO. 409 OF 2006

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.KARTHICK SUBRAMANIAN Advocate

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

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

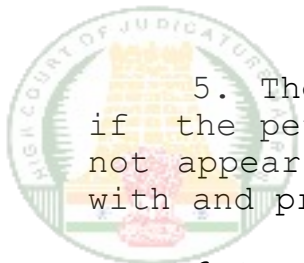
ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 23.07.2015 for the alleged offences punishable under Sections 458 and 397 of IPC, in Crime No.409 of 2006 on the file of the respondent Police and hence, seeks bail.

2.The case of the prosecution is that the petitioner and other accused trespassed into the house of the defacto complainant and tied the hands and legs of the entire family members and taken away the jewels at knife point. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner was already arrested and enlarged on bail by the Court below on 31.07.2008. Due to the non appearance of the petitioner before the trial Court on 23.02.2015, NBW was issued against the petitioner and he was arrested in execution of non bailable warrant and remanded to judicial custody on 23.07.2015.

4. The learned Counsel appearing for the petitioner submitted that the petitioner will appear before the trial court regularly and ready to comply with the condition imposed by this Court and prays for enlarging the petitioner on bail.



5. The learned Government Advocate (Crl. Side) submitted that if the petitioner is enlarged on bail, he will abscond and he will not appear before the trial Court and the trial cannot be proceed with and prayed for dismissal of this petition.

6. Considering the fact that the petitioner is in judicial custody from 23.07.2015, 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 each for a like sum to the satisfaction of the learned Subordinate Judge, Padmanabhapuram.
- (ii) the petitioner shall report before the concerned Court daily 10.00 am for a period of four weeks on all working days and thereafter, he shall appear before the trial Court on 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 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].

sd/-

30/08/2016

/ TRUE COPY /

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

TO

- 1 THE SUBORDINATE JUDGE, PADMANABHAPURAM.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
- 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 5 THE SUB INSPECTOR OF POLICE, KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT

+1. CC to M/S S.KARTHICK SUBRAMANIAN Advocate SR.No.48541.

ORDER IN

CRL OP (MD) No.16039 of 2016

Date : 30/08/2016