



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

Friday, the Tenth day of November Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.13624 of 2017

S.DAVID @ VELLAIYAN

... PETITIONER / ACCUSED NO.3

Vs

THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.500 OF 2009)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.REGU, Advocate
For Respondent : M/S.T.MOHAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

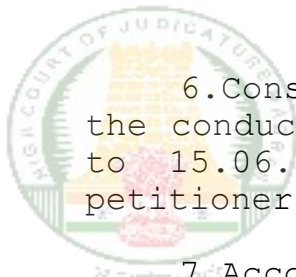
The petitioner, who was arrested and remanded to judicial custody on 16.06.2017 for the offences punishable under Sections 341, 294(b), 324 and 307 IPC in P.R.C.No.9 of 2016 on the file of the Judicial Magistrate, Eraniel, seeks bail.

2.The learned counsel appearing for the petitioner submitted that the petitioner was absent on 05.11.2016 and hence, NBW was issued and the same was executed on 16.06.2017 and the petitioner is now in judicial custody. He also submitted that the case was registered in the year 2009 and the final report was filed in the year 2016 and the committal proceedings is also pending.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that totally there are 3 accused in this case and the petitioner is herein is arrayed as A3. The co-accused / A2 in this case is now in custody. He further submitted that summons to A1 is not yet served by the respondent Police and the petitioner is having 8 previous cases.

4.A report dated 29.08.2017 received from the learned Principal District Munsif-cum-Judicial Magistrate, Eraniel reveals the fact that A2 and A3 were in custody and fresh summons to A1 was ordered and hence, the case is pending. Earlier bail petition filed by the petitioner in Crl.O.P.(MD)No.11159 of 2017 was dismissed by this Court on 31.08.2017.

5.No valid reason is assigned for the absence of the petitioner on 05.11.2016 and he is absconding from that date onwards till execution of NBW.



6.Considering the facts and circumstances of the case and also the conduct of the petitioner, as he was absconding from 05.11.2016 to 15.06.2017, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on his 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 and on further condition that:

[a] the petitioner shall report before the concerned Court daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness during trial.

[c] the petitioner shall not abscond during trial.

[d]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].

[e]the petitioner is directed to pay a sum of Rs.3,000/- to the District Legal Services Authority, Kanyakumari.

sd/-
10/11/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL,
KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.
4. THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
DISTRICT LEGAL SERVICES AUTHORITY, KANYAKUMARI.

+1. CC to M/S.S.REGU Advocate SR.No.34252

ORDER IN
CRL OP(MD) No.13624 of 2017
Date :10/11/2017