



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

Monday, the Ninth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13625 of 2017

SELVAN

... PETITIONER / A 1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
COLACHEL POLICE STATION, COLACHEL
KANYAKUMARI DISTRICT
(CRIME NO.502 OF 2013)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.S.RAMAKRISHNADASS Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

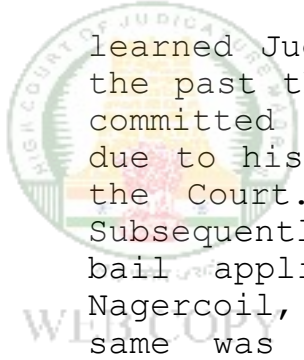
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who was arrested and remanded to judicial custody on 19.08.2017 for the alleged offences punishable under Sections 341, 294(b), 307 and 506(i) of IPC, in Crime No.502 of 2013, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the wife of the petitioner and due to some misunderstanding between them, the defacto complainant went to her parental home. When the petitioner went to her parental home to compromise her, the father-in-law of the petitioner refused to send her with him and there was a wordy quarrel arose between them. Due to that the defacto complainant lodged a complaint against the petitioner, and based on the complaint, case has been registered in Crime No.502 of 2017, for the above said offences. After completion of investigation, charge sheet has been filed by the respondent police before the learned Judicial Magistrate, Eraniel and the same was taken on file in PRC.No.32 of 2014. Due to non-appearance of the petitioner on 30.01.2017, non-bailable warrant was issued against him and he was arrested on 19.08.2017 and remanded to judicial custody on the same day. Hence, this petition.

3. The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is regularly appeared before the



learned Judicial Magistrate, Eraniel from 2014, onwards, i.e., for the past three years and the case in PRC.No.32 of 2014 was not yet committed to the Sessions court. In the meanwhile, on 30.01.2017, due to his health condition, the petitioner was not able to attend the Court. Hence, non-bailable warrant was issued against him. Subsequently, he was arrested on 19.08.2017. The petitioner moved a bail application before the learned Principal District Judge, Nagercoil, Kanyakumari District in CrI.M.P.No.2946 of 2017, but the same was dismissed with a direction to the learned Judicial Magistrate, Eraniel to commit the case in PRC.No.32 of 2014 to the Sessions Court. The non-appearance of the petitioner is neither willful nor wanton and prayed for bail.

4.The learned Government Advocate (CrI. side) submitted that though charge sheet was filed, the trial is in progress. Hence, he strongly object to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 19.08.2017, and also the fact that the non-appearance of the petitioner is neither willful nor wanton, I am 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel;
- (ii) the petitioner shall report before the Court on each and every hearing date without fail;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not commit any offence while on bail;
- (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 and the bail granted stands cancelled automatically.

sd/-
09/10/2017

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 OFFICER IN CHARGE,
SUB JAIL, NAGERCOIL.
- 4 THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION, COLACHEL
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.S.RAMAKRISHNADASS Advocate SR.No.32336

ORDER

IN

CRL OP(MD) No.13625 of 2017

Date :09/10/2017

MKV-CM-MSA-SAR 4/9.10.2017/2P-7C