



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

Friday, the Thirteenth day of October Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.13916 of 2017

D.BENNESTY @ THATHEUS BENNESTY

... PETITIONER / ACCUSED No.6

Vs

The State rep.by
THE INSPECTOR OF POLICE,
KOTTICODE POLICE STATION, KOTTICODE,
KANYAKUMARI DISTRICT.
CRIME NO.157 OF 2011.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SANKAR Advocate

For Respondent : Mr.T.Mohan, Additional Public Prosecutor

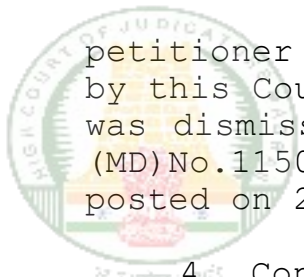
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 23.06.2017, for the offences punishable under Sections 147, 148, 363, 342, 387 and 506(ii) of IPC., in Crime No.157 of 2011, on the file of the respondent Police, pursuant to the NBW issued, seeks bail.

2. The learned counsel appearing for the petitioner states that the petitioner is in custody from 23.06.2017 onwards and due to eking out his livelihood, he has gone to the State of Kerala and he was not able to appear before the concerned Court on the date of hearing on 21.05.2015 and therefore, NBW was issued and the petitioner is not having any bad antecedents.

3. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 7 accused in P.R.C.No.12 of 2012, on the file of the learned Judicial Magistrate, Padmanabhapuram and the petitioner is arrayed as A6. The petitioner was arrested under NBW on 23.06.2017 and he is now in custody. NBW was issued on 21.06.2015. Now the case is committed to the Sessions Court and taken on file by the learned Principal Sessions Court, Kanyakumari District, as S.C.No.246 of 2017, and the said case is made over to the other Court. He also submitted that the present petition moved by the petitioner is the 4th application, seeking bail. The first bail application moved by the



petitioner in Crl.O.P(MD)No.8736 of 2017 was dismissed on 11.07.2017 by this Court; the 2nd bail application in Crl.O.P(MD)No.9437 of 2017 was dismissed on 21.07.2017 and the 3rd bail application in Crl.O.P (MD)No.11509 of 2017 was dismissed on 20.09.2017. Now, the case is posted on 24.10.2017 before the Sessions Court, Nagercoil.

4. Considering the above facts and circumstances of the case and also the conduct of the petitioner in absconding for 2 years and was arrested under NBW on 23.06.2017 and now the case is committed to the Sessions Court and pending as S.C.No.246 of 2017, this Court is inclined to grant bail to the petitioner subject to certain conditions.

5. 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 District Sessions Judge, Nagercoil, Kanyakumari District and on further condition that:

[a] the petitioner shall report before the learned District Sessions Judge, Nagercoil, Kanyakumari District daily at 10.30 a.m., until further orders.

[b] the petitioner shall deposit a sum of Rs.2500/- (Rupees Two Thousand and Five Hundred Only) before the District Legal Services Committee, Nagercoil, Kanyakumari District.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

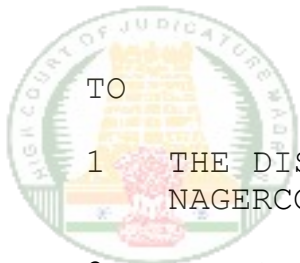
[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

sd/-
13/10/2017

/ TRUE COPY /

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



TO

1 THE DISTRICT AND SESSIONS JUDGE,
NAGERCOIL, KANYAKUMARI DISTRICT

2 THE OFFICERS INCHARGES
DISTRICT JAIL, NAGERCOIL, KANYAKUMARI DISTRICT

3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

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

+1. CC to M/S.M.SANKAR Advocate SR.No.32876

COPY TO: THE AUTHORIZED OFFICER,
THE DISTRICT LEGAL SERVICES COMMITTEE,
NAGERCOIL, KANYAKUMARI DISTRICT.

ORDER
IN
CRL OP(MD) No.13916 of 2017
Date :13/10/2017

SM:RR-BS:SAR I:20.10.2017:3P/7C