



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

Monday, the Thirtieth day of October Two Thousand Seventeen  
PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP(MD) No.13920 of 2017

WEB COPY  
Ayyappan

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
SUCHINDRUM POLICE STATION,  
NAGERCOIL,  
KANYAKUMARI DISTRICT.  
(CR.NO.729 OF 2012).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.MURUGAVEL Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

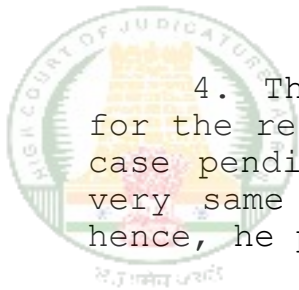
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who was arrested and remanded to judicial custody on 03.04.2017 for the alleged offences punishable under Sections 147, 148, 324, 307 and 302 IPC., in Crime No.729 of 2012, on the file of the respondent police; after filing charge sheet, the same was taken on file in PRC.No.10 of 2014 on the file of the learned Judicial Magistrate No.III, Nagercoil, seeks bail.

2. The case of the prosecution is that after filing charge sheet in the above said crime number, the case was taken on file in PRC.No.10 of 2014 on the file of the learned Judicial Magistrate No.III, Nagercoil. On 10.06.2016, due to the non-appearance of the petitioner, the learned Magistrate issued non-bailable warrant against the petitioner and he was arrested on 03.04.2017 and remanded to judicial custody.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that on 10.06.2016, due to his illness, the petitioner was not able to attend the Court and his counsel did not inform the Court about his illness and hence the Court below issued non-bailable warrant against the petitioner. However, when the petitioner came to know about the non-bailable warrant, he voluntarily surrendered before the Judicial Magistrate No.III, Nagercoil and till date he was in judicial custody. He further submitted that the non-appearance of the petitioner is neither willful nor wanton and the petitioner is also ready to abide any condition to be imposed by this Court and prays for bail.



4. The learned Government Advocate (Criminal side) appearing for the respondent, on instructions, submitted that there is another case pending before the same Court against the petitioner for the very same offence and the committal proceedings also pending and hence, he prayed to impose stringent conditions on the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side), I am inclined to grant bail to the petitioner 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 No.III, Nagercoil;
- (ii) the petitioner shall report before the Court concerned, daily twice at 10.30 a.m. in the morning and 5.30 p.m., in the evening;
- (iii) the petitioner shall not tamper with evidence or witness during 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 petitioners in accordance with law and the bail granted stands cancelled automatically.

sd/-  
30/10/2017

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
4. THE INSPECTOR OF POLICE, SUCHINDRUM POLICE STATION, NAGERCOIL, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.MURUGAVEL Advocate SR.No.33421

ORDER IN  
CRL OP(MD) No.13920 of 2017  
Date :30/10/2017