



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

Monday, the Twenty Third day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14115 of 2017

SATHEESH

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT
CRIME NO. 89/2012

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.RAMAKRISHNAN Advocate

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

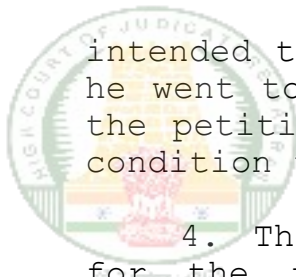
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 07.10.2017 for the alleged offences punishable under Sections 294(b), 323 and 332 of IPC., and Section 3(1) of TNPPDL Act, in Crime No.89 of 2012, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner arrayed as accused in PRC.No.27 of 2016, on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District for the offence under Sections 294(b), 323 and 332 of IPC and Section 3(1) of TNPPDL Act. The case was registered in the year 2012. However, charge sheet was filed in the year 2015 and the case was taken on file in PRC.No.27 of 2016. Due to the non-appearance of the petitioner before the Court below, non-bailable warrant was issued against him on 25.04.2016 and after three years he was arrested on 07.10.2017.

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 since there was no progress in the criminal case, the petitioner went to abroad for seeking job. Immediately, after return to homeland, the petitioner was arrested on 07.10.2017 and he is not



intended to avoid Court proceedings and in order to his livelihood, he went to abroad. He further submitted that the non-appearance of the petitioner is neither willful nor wanton and he will abide any condition to be imposed by this Court and therefore, prays for bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent, on instructions, submitted that since the committal proceedings was not taken by the Court below, the case is posted on 24.10.2017 for committal proceedings and appearance of the petitioner before the Court is necessary for committing the case to the Sessions Court and made objection to enlarge the petitioner on bail.

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.II, Kuzhithurai, Kanyakumari District;

(ii) the petitioner shall report before the Court below for all hearings without fail;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioner shall not commit any offence while on bail;

(vi) On breach of any of the aforesaid conditions, the petition for bail stands dismissed.

sd/-
23/10/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI, KANYAKUMARI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL



3 THE OFFICE INCHARGER,
SUB JAIL, NAGERCOIL, KANYAKUMARI DISTRICT

4 THE SUB INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT,

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

+1. CC to M/S.S.RAMAKRISHNAN Advocate SR.No.33004

ORDER

IN

CRL OP(MD) No.14115 of 2017

Date :23/10/2017

SMA/CM-MSA/SAR-4/24.10.2017:3P/7c