



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

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.14286 of 2017

P.EBANESAR IMMANUEL

...PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE SUB INSPECTOR OF POLICE
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT,
CR.NO. 215/2012.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.C.JOSEPH SATHIANESON, Advocate

For Respondent : Mr.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, who was arrested and remanded to judicial custody on 27.08.2017 for the alleged offence punishable under Section 3(1) of TNPPDL Act, in Crime No.215 of 2012, on the file of the respondent police which was taken on file in S.C.No.64 of 2014, on the file of the Principal Sessions Court, Nagercoil, seeks bail.

2.The case of the prosecution is that on 22.08.2014, due to the non-appearance of the petitioner in S.C.No.64 of 2014, non-bailable warrant was issued against the petitioner on the same day and subsequently, the petitioner was arrested on 27.08.2017. Thereafter the petitioner filed a bail application before the Court below in Cr.M.P.No.3428 of 2017 and the same was dismissed on 11.10.2017, against which the present bail petition has been filed before this Court.

3.The learned counsel for the petitioner submitted that since the learned counsel before the Court below did not inform the next hearing date to the petitioner, he was not able to appear before the Court. Even he did not know the stage of the case and he came to know about the non-bailable warrant issued against him, on the date, when the police entered into his house to arrest him under non-bailable warrant and without any protest the petitioner surrendered to the police. He further submitted that in view of the above said



bonafide reason, the petitioner was not able to appear before the Court below on the hearing date and his non-appearance before the Court is neither willful nor wanton and prays for bail. He further submitted that the petitioner is 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 State submitted that since the petitioner absconded from the year 2014, he was secured only in the year 2017 under non-bailable warrant, he vehemently opposed to grant of bail.

5.Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner, 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.I, Nagercoil;

(ii) the petitioner shall report before the Principal Sessions Court, Nagercoil, daily between 10.00 a.m. and 11.00 a.m., for a period of four weeks and thereafter each and every hearing 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 petitioners in accordance with law and the bail granted stands dismissed automatically.

sd/-
25/10/2017

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SESSIONS JUDGE,
NAGERCOIL.

2 THE JUDICIAL MAGISTRATE NO.I
NAGERCOIL



3 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

4 THE SUB INSPECTOR OF POLICE
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT,

5 THE OFFICER INCHARGE
DISTRICT JAIL, NAGERCOIL

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

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.33137

ORDER

IN

CRL OP (MD) No.14286 of 2017

Date :25/10/2017

PJL

SH/RR-BS/SAR-1:26.10.2017:3P/8C