



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.14577 of 2017

SUBIN

... PETITIONER/ACCUSED NO.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.439/2012

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.SURI Advocate

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

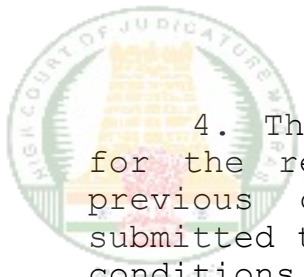
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused No.3, who was arrested and remanded to judicial custody on 16.10.2017 for the alleged offence punishable under Section 435 of IPC., altered into Section 436 read with Section 34 of IPC., in Crime No.439 of 2012, on the file of the respondent police; after filing charge sheet, which was taken on file in PRC.No.15 of 2015, on the file of the learned Judicial Magistrate, Padmanabapuram, Kanyakumari District, 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.15 of 2015 on the file of the learned Judicial Magistrate, Padmanabapuram, Kanyakumari District. On 28.04.2017, due to the non-appearance of the petitioner, the learned Magistrate issued non-bailable warrant against the petitioner on the same day and he was arrested on 16.10.2017 and remanded to judicial custody on the same day.

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 28.04.2017, due to his illness, the petitioner was not able to attend the Court and 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 no previous case pending against the petitioner and he further submitted that the petitioner may be released on bail with stringent conditions.

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, Padmanabapuram, Kanyakumari District;
- (ii) the petitioner shall report before the Court concerned, daily morning between 10.00 a.m. and 11.00 a.m., for a period of two weeks and thereafter the petitioner shall appear before the Court concerned for 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 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 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

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, PADMANABAPURAM, KANYAKUMARI DISTRICT.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE OFFICER INCHARGE, DISTRICT PRISON, NAGERCOIL.

4 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.5 THE INSPECTOR OF POLICE, THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.

+1. CC to M/S.M.SURI Advocate SR.No.33389

ORDER

IN

CRL OP (MD) No.14577 of 2017

Date : 30/10/2017

AM/CM MSA/SAR 3/30.10.2017/3P/7C