



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

Monday, the Twentieth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.15173 of 2017

ASHIP REHMAN @ BABU

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.366 OF 1998)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.ARPUTHARAJ, 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.1, who was arrested and remanded to judicial custody on 12.10.2017 for the alleged offences punishable under Section 397 of IPC., in Crime No.366 of 1998, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has involved the offence of robbery under Section 397 of I.P.C. Earlier, he was arrested and subsequently, released on bail in the year 1998. While the petitioner on bail, he failed to appear before the learned Judicial Magistrate, Earniel. Because of non-appearance of the petitioner/A1, the learned Judge issued a Non-Bailable Warrant against him. However, he was arrested and remanded by the respondent police on 12.10.2017. Against which, the petitioner filed the present bail application before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner is not aware of the case pending before the Court and he gone into his likelihood to other neighbouring State and he did not know the non-bailable warrant issued by the lower Court. The non-appearance of the petitioner before the Lower Court is neither willful nor wanton. In spite of the above said bona fide reason, Non-Bailable Warrant was issued against the petitioner and subsequently, he was arrested and remanded by the respondent police.



4. The learned Government Advocate (Criminal side) appearing for the State did not dispute the said facts. However, he requested this Court imposing stringent condition in order to complete the trial.

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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/A1 with certain conditions. Accordingly, the petitioner/A1 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, Earniel.
- (ii) the petitioner shall report before the learned Judicial Magistrate, Earniel, daily at 10.30 a.m, until further orders. If the petitioner fails to appear before the lower Court, daily at 10.30 a.m, liberty granted to the lower Court to issue Non-Bailable Warrant and the respondent police shall arrest the person and remand to the jail;
- (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/-
20/11/2017

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



TO

1. THE JUDICIAL MAGISTRATE, ERANIEL.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 4. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.ARPUTHARAJ Advocate SR.No.34702

ORDER
IN
CRL OP(MD) No.15173 of 2017
Date :20/11/2017

MS/PM-PN/SAR.2/20.11.2017/3P.7C