



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

Tuesday, the Twenty Eighth day of November Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16302 of 2017

RAMESH @ MONIKANDAN

... PETITIONER/ ACCUSED NO.6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.116/2002.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.RUSSEL RAJ, 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.6, who was arrested and remanded to judicial custody on 14.11.2017 for the alleged offences punishable under Sections 147, 148, 341, 324, 326, 109 and 307 of IPC., r/w 149 of IPC., in Crime No.116 of 2002, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was implicated in the above said crime in the year 2002 and a case is pending before the learned Judicial Magistrate, Eraniel. On 18.11.2002, this Court granted bail to the petitioner in Crl.O.P.No.2848 of 2002. After completing the investigation, a charge sheet has been filed in the year 2008. Since the petitioner did not appear before the concerned Court, the Court issued NBW against the petitioner on 03.08.2013 for the reason best known to the respondent/Law Enforcing Agency, they did not arrest the petitioner till 2017. However, the petitioner was arrested by the Law Enforcing Agency and remanded to Judicial custody on 14.11.2017, against which, the present petition filed by the petitioner.

3.The learned counsel for the petitioner would submit that though the charge sheet was filed in the year 2002, no summon was served against the petitioner till 2017. Therefore, the petitioner had wantonly and deliberately avoided the appearance before the concerned Court. However, the petitioner is very much available in the nearby police station. But, the respondent police did not arrest the petitioner till 2017, but arrested him only on 14.11.2017.

4.The learned Government Advocate appearing for State would submit that the petitioner's where about is not known to the



respondent police from 2013 to 2017, however, he was secured on 14.11.2017.

5. Considering the facts and circumstances of the case, 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, Eraniel, Kanyakumari District;
- (ii) the petitioner shall report before the concerned Court, daily between 10.00 a.m. and 11.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make herself 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 petitioner in accordance with law and the bail granted stands cancelled automatically.

sd/-
28/11/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL,
KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICTAT NAGERCOIL.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
NAGERCOIL, KANYAKUMARI DISTRICT.
4. THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.RUSSEL RAJ Advocate SR.No.35210

ORDER IN
CRL OP(MD) No.16302 of 2017
Date :28/11/2017