



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

Thursday, the Thirtieth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16502 of 2017

VANAMAMALAI

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
CR NO. 40/2015
TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.SUSI KUMAR Advocate

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

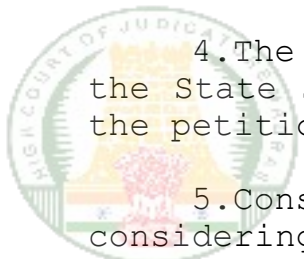
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 08.11.2017 in pursuance of non bailable warrant issued in S.C.No.25 of 2017 is pending for committal proceedings before the learned III Additional Sessions Judge, Tirunelveli for the offences punishable under Sections 294(b), 341, 302, 506(ii) and 120(b) of I.P.C., in Crime No.40 of 2015, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was implicated in Crime No.40 of 2015 for the offences under Sections 294(b), 341, 302, 506(ii) and 120(b) of I.P.C., and the same is pending for the committal proceedings due to the absence of the petitioner before the learned III Additional Sessions Judge, Tirunelveli. Though the said occurrence was took place in the year 2015, however, for non appearance of the petitioner on 04.10.2017, the Non Bailable Warrant was issued against the petitioner on the same day. Thereafter, the petitioner was arrested and remanded on judicial custody on 08.11.2017. Hence, the petitioner filed this present petition before this Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner hails from poor family and to eke out his family, he went to Kerala for doing coolie work, and due to which he was unable to appear before the lower Court on the date of hearing. He would further submit that non appearance of the petitioner is neither willful nor wanton but in the bonafide circumstances, he prayed for bail.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that some stringent condition may be imposed on the petitioner to appear before the concerned Court regularly.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal Side), I am inclined to grant bail to the petitioner. 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 III Additional Sessions Judge, Tirunelveli;
- (ii) the petitioner shall report before the concerned Court, daily at 10.30 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 himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) the petitioner shall not commit any offence while on bail;
- (vii) 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/-

30/11/2017

/ TRUE COPY /

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

TO

- 1 THE III ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No.35410

ORDER IN

CRL OP (MD) No.16502 of 2017

Date :30/11/2017