



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

Monday, the Eighteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.16918 of 2017

KUMAR

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT,
(CR.NO.869/1997)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.N.RAJA MOHAMED Advocate

For Respondent : MR.C.MAYILVAHANA RAJENDRAN

Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 31.08.2017, for the offences punishable under Sections 147, 148, 323, 324, 427 and 307 of IPC., in Crime No.869 of 1997, on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner states that the petitioner was arrested under NBW on 31.08.2017 and now he is in custody from the date of arrest.

3. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner herein is arrayed as A4 in PRC.No.37 of 2004, and the said case was committed to the Sessions Court, Nagercoil and it was taken on file as S.C.No.301 of 2017, on the file of the Sessions Court, Nagercoil at Kanyakumari District, but the said case is not yet made over to the concerned Court. He would further submit that the petitioner was absent on 06.04.2012 and therefore, NBW was issued against the petitioner herein and he was arrested under NBW on 31.08.2017 and if the accused is released on bail at this stage, the trial of the Sessions Case may be delayed again. Further, the earlier bail applications moved by the petitioner in CrI.O.P(MD)No.12622 of 2017 and 13559 of 2017 were dismissed by this Court on 22.09.2017 and 30.10.2017 respectively because of the reasons that the case is pending in PRC stage for committal.



was committed to the Sessions Court and taken on file in S.C.No.301 of 2017, on the file of the learned Principal Sessions Judge, Nagercoil, Kanyakumari District and also the conduct of the petitioner in absconding for more than 5 years in this case, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Kanyakumari Division, at Nagercoil, and on further condition that:

[a] the petitioner shall report before the learned Principal Sessions Judge, Kanyakumari Division at Nagercoil, daily at 10.30 a.m., until further orders.

[b] the petitioner shall deposit a sum of Rs.4000/- (Rupees Four Thousand Only) before the District Legal Aid Committee, Nagercoil at Kanyakumari District.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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, as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

18/12/2017

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI DIVISION AT NAGERCOIL.
- 2 THE OFFICER IN CHARGE, SUB JAIL, NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER IN CHARGE,
DISTRICT LEGAL AID COMMITTEE,
NAGERCOIL AT KANYAKUMARI DISTRICT.

+1. CC to M/S.B.N.RAJA MOHAMED Advocate SR.No.36434

ORDER IN
CRL OP(MD) No.16918 of 2017
Date :18/12/2017