



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

Monday, the Thirtieth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.607 of 2017

ELANCHERAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT,
CR NO. 500 OF 2009.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.THIRUVADIKUMAR Advocate

For Respondent : MR.P.KANDASAMY Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

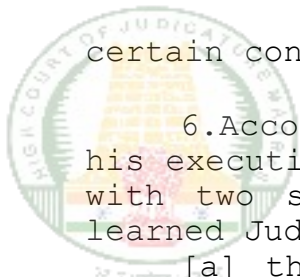
The petitioner, who was arrested and remanded to judicial custody on 01.12.2016 based on the non bailable warrant for the offences punishable under Sections 341, 294(b), 324, 326 and 307 IPC in Crime No.500 of 2009 on the file of the respondent police, seeks bail.

2.The case of the petitioner is that after investigation, the respondent Police filed charge sheet in Crime No.500 of 2009 before the concerned Court and the same was taken on file in P.R.C.No.9 of 2016. Since the petitioner has not appeared for receiving copies, the learned Judicial Magistrate, Eraniel has issued non bailable warrant against the petitioner on 06.08.2016 itself and that the petitioner was arrested on 01.12.2016.

3.The learned counsel for the petitioner submitted that while furnishing copies to the petitioner / accused in P.R.C.No.9 of 2016, non bailable warrant was issued against the petitioner for his non appearance.

4.The learned Government Advocate (crl.side) appearing for the respondent submitted that totally there are 3 accused in this case and the petitioner is arrayed as A2 in this case and other accused are appearing before the Court.

<https://hcservices.courts.gov.in/hcservices/>
5.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner in jail, this Court is inclined to grant bail to the petitioner subject to



certain conditions.

6. 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 Judicial Magistrate, Eraniel, and on further condition that:

[a] the petitioner shall report before the concerned Court daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness during trial.

[c] the petitioner shall not abscond during trial.

[d] 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].

7. The learned concerned Judicial Magistrate is directed to commit the case to the Sessions Court without any further delay.

sd/-
30/01/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, ERANIEL

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL

3 THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI

+1. CC to M/S.A.THIRUVADIKUMAR Advocate SR.No.4711

GJM/EM/MPA/SAR-2-30.1.17-2P-7C

ORDER
IN
CRL OP(MD) No.607 of 2017
Date : 30/01/2017