



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

Thursday, the Twentieth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9364 of 2017

SANALKUMAR

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
CR NO. 988/2010.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.RAMAKRISHNAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner / A4, who was arrested on 28.12.2016 for the offences punishable under Sections 147, 148, 341, 120(b) & 307 IPC in P.R.C.No.8 of 2012 on the file of the Judicial Magistrate No.I, Kuzhithurai, seeks bail.

2.The case of the petitioner is that a case in Crime No.988 of 2010 has been registered against the petitioner and after completing investigation, charge sheet has been filed and the same was taken on file in P.R.C.No.8 of 2012 by the Judicial Magistrate No.I, Kuzhithurai and due to non appearance of the petitioner before the court, non bailable warrant was issued against him on 07.12.2013.

3.The learned counsel for the petitioner would submit that the petitioner is a Mason and that he has gone to Kerala for doing mason work along with his family members and hence, he did not know about the date of hearing of the above said case. After knowing the fact of issuance of non bailable warrant against him, he surrendered before the Judicial Magistrate No.I, Kuzhithurai on 28.12.2016 and also filed a petition to recall the warrant. However, the same was dismissed and hence, he was arrested on 28.12.2016. He also submitted that the petitioner is ready to cooperate with the trial without fail.

4.The learned Additional Public Prosecutor submitted that the petitioner is arrayed as A4 in this case and the case is committed



to the Sessions Court in S.C.No.127 of 2017 and the earlier bail applications filed by the petitioner were dismissed by this Court on 07.02.2017, 21.03.2017 and 06.06.2017 respectively and this is the 4th petition seeking for bail.

5.Considering the facts and circumstances of the case and considering the fact that there is a change in circumstances as the case is committed to the court of Sessions in S.C.No.127 of 2017, this Court is 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District;

(ii)the petitioner is directed to appear before the concerned Court daily at 10.30 a.m. until further orders;

(iii)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 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/-

20/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 OFFICER IN CHARGE,
SUB JAIL, NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.RAMAKRISHNAN Advocate SR.No.26886

ORDER IN
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Date :20/07/2017