



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

Thursday, the First day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1571 of 2018

SELVENDRAN @ THAKKALI SELVAN,

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
KOTTAR POLICE STATION, KOTTAR,
KANYAKUMARI DISTRICT.
(CRIME NO.149/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KARTHICK SUBRAMANIAN Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

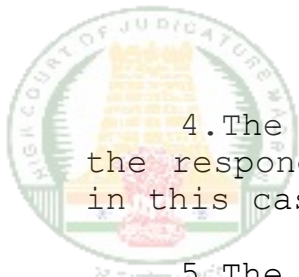
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 229 (A) I.P.C., in Crime No.149 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is an accused in S.C.No.167 of 2015 pending on the file of II Additional Sessions Court, Nagercoil. The petitioner was enlarged on bail in the above said case on condition that he should appear before the II Additional Sessions Court, Nagercoil, but he failed to appear before the concerned Court. Hence, the II Additional Session Court issued an order dated 12.01.2017, based on that the F.I.R. was registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner herein was arrested with respect to Crime No.26 of 2017 on the file of Rajakkamangalam Police Station, during that time, he could not appear before the II Additional Sessions Court, Nagercoil. Now, he is enlarged on bail with respect to Crime No.26 of 2017. He further submitted that the petitioner is not having intention to evade from the Court proceedings. Hence, he prays



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that investigation is still pending in this case.

5.The submission made by the learned counsel appearing for either side are considered. It is necessary to read the provisions of 229(A) I.P.C., it reads as follows:

"229-A: Failure by person released on bail or bond to appear in Court:

Whoever, having been charged with an offence and released on bail or on bond without sureties, fails without sufficient cause (the burden of proving which shall lie upon him), to appear in Court in accordance with the terms of the bail or bond, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both"

6.So, according to the provisions, if the person released on bail he is having a duty to appear before the Court in terms of bail or bond. In this case, the learned counsel appearing for the petitioner submitted that on the day, which the case was posted before the Sessions Court, the accused was arrested in Crime No.26 of 2017, Rajakkamangalam Police Station. So, the absence of the petitioner is neither wilful nor wanton. Further the offence committed by the petitioner is punishable with one year. Accordingly, custodial interrogation of the petitioner is not necessary for completing the investigation, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, on condition that 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the Concerned Court daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

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sd/-
01/02/2018

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

TO

- 1 THE II ADDITIONAL SESSIONS JUDGE, NAGERCOIL
- 2 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL, KANYAKUMARI DISTRICT
- 3 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL
- 4 THE SUB INSPECTOR OF POLICE,
KOTTAR POLICE STATION, KOTTAR,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.KARTHICK SUBRAMANIAN Advocate SR.No.1869

ORDER
IN
CRL OP(MD) No.1571 of 2018
Date :01/02/2018

SMA/RR-CSL/SAR-4/12.02.2018:3P/7c