



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

Friday, the Ninth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice **R.PONGIAPPAN**

CRL OP(MD) No.3731 of 2018

APPADURAI

... PETITIONER / ACCUSED No.20

Vs

THE INSPECTOR OF POLICE,
THEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.57 of 2013)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SELVAKUMAR, Advocate
For Respondent : M/s.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.20, arrested and remanded to judicial custody on 19.01.2018 for the offences punishable under Sections 147, 148, 120(b), 302, 341 and 506(ii) of IPC r/w. Section 34 of IPC in Crime No.57 of 2013, on the file of the respondent police, seeks bail.

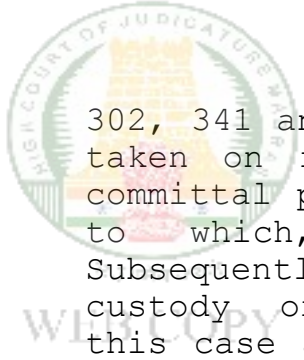
2.It is alleged that the petitioner was earlier released on bail and subsequently, he jumped out of bail and hence, a non-bailable warrant was issued against him.

3.The learned counsel for the petitioner submitted that due ill-health the petitioner was not able to attend the Court and hence, a non-bailable warrant was issued against him on 10.08.2017. He further submitted that on execution of the warrant, the petitioner was languishing in jail from 19.01.2018. Hence, he prays for bail.

4.Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5.The submissions made by the learned counsel appearing on either side are considered.

6.The respondent, Police made a final report before the learned Judicial Magistrate No.III, Thirunelveli against this petitioner and 19 other accused, for the offence under Sections 147, 148, 120(b),



302, 341 and 506(ii) of IPC r/w. Section 34 of IPC and the same was taken on file in PRC.No. 4 of 2015. Now, during the course of committal proceedings, the petitioner was absent on 10.08.2017, due to which, Non-Bailable Warrant was issued against him. Subsequently, the petitioner was arrested and remanded to judicial custody on 18.01.2018. Now, with regard to the other accused in this case are all appeared and no Non Bailable Warrant was pending against them, thereby, considering the above said facts and circumstances and also considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail. 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 Judicial Magistrate No.III, Thirunelveli;

(ii) the petitioner shall report before the concerned Magistrate, daily at 10.00 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/-
09/03/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2.THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
THEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

4.THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON,
PALAYAMKOTTAI.



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

+1. CC to M/S.S.SELVAKUMAR, Advocate SR.No.3798

ORDER

IN

CRL OP(MD) No.3731 of 2018

Date :09/03/2018

trp

JM/SKN RSK/SAR 4/09.03.2018/3P/7C