



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

Thursday, the Fifth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5155 of 2018

M.VINCENT @ GNANAVINO

... PETITIONER / ACCUSED No.8

Vs

THE SUB INSPECTOR OF POLICE,  
SUCHINDRUM POLICE STATION,  
NAGERCOIL, KANYAKUMARI DISTRICT  
(CR.NO.729 OF 2012)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.DILIPKUMAR, Advocate for  
Mr.Y.JAGADEESH Advocate

For Respondent : Mr.PRABU RAMACHANDRAN, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is figuring as 8<sup>th</sup> Accused in Crime No.729 of 2012 on the file of the respondent police, now, pending in P.R.C.No.10 of 2014 on the file of the Judicial Magistrate Court No.III, Nagercoil. He was arrested and remanded to judicial custody on 07.04.2017. The case against him is for the offences punishable under Sections 147, 148, 324, 307 and 302 IPC. He seeks bail.

2.The case has been charge sheeted and is pending at the stage of P.R.C.No.10 of 2014 on the file of the Judicial Magistrate Court No.III, Nagercoil. There are totally 12 accused in this case. On account of his abscondence, the P.R.C. Proceedings could not conclude. It is shocking that even though the occurrence has taken place in the year 2012, even the committal proceedings are yet to be over. This Court is taking judicial notice of the fact that the accused cannot take turns to abscond and thereby, delay the committal proceedings or the trial. Therefore, this Court suggested that stringent conditions will be imposed for grant of bail.

3.The learned counsel appearing for the petitioner undertook that after grant of bail, the petitioner will appear before the respondent police daily at 07.00 p.m. [all the seven days] till the conclusion of the trial in the criminal case itself. When the petitioner's counsel suggested that this condition may hold till the



committal proceedings are over, this Court expressly rejected the said suggestion. The learned counsel appearing for the petitioner, on instructions, further undertook that he will not file any petition for relaxing the condition imposed by this Court in this petition. This condition is imposed in order to ensure that the committal proceedings and the trial get concluded early.

4. In view of the above, this Court is inclined to enlarge the petitioner on bail with certain conditions. 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 learned Judicial Magistrate No.III, Nagercoil.
- (ii) The petitioner shall appear before the respondent police daily at 07.00 p.m. till the conclusion of the trial in the criminal case.
- (iii) The petitioner shall not abscond.
- (iv) 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/-

05/04/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III  
NAGERCOIL, KANYAKUMARI DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT



3 THE SUB INSPECTOR OF POLICE,  
SUCHINDRUM POLICE STATION, NAGERCOIL,  
KANYAKUMARI DISTRICT

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

5. THE OFFICE IN-CHARGER,  
DISTRICT JAIL, NAGERCOIL  
KANYAKUMARI DISTRICT

+1. CC to Mr.N.DILIP KUMAR, Advocate SR.No.5583

SMN2

JAM/06/04/2018/ CM-VR / SAR 4/ 3P-7C

ORDER

IN

CRL OP(MD) No.5155 of 2018

Date :05/04/2018