



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

Wednesday, the Fourth day of April Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.5114 of 2018

KANNAN

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
MANOOR POLICE STATION,
TIRUNELVELI DISTRICT
IN CR.NO. 54/2008

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.K.M.KARUNAKARAN Advocate

For Respondent : Mr.PRABU RAMACHANDRAN,
Government Advocate (Crl.side)

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

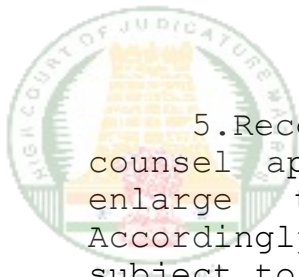
ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.2. He was arrested by the respondent police on 26.12.2017 based on the Non-Bailable Warrant issued by the Trial Court and remanded to judicial custody. The case against him is for alleged offences punishable under Sections 427, 294(b), 307 and 506(ii) IPC, in S.C.No.297 of 2017, on the file of the Principal Assistant Sessions Court, Tirunelveli. He seeks bail.

2.It appears that since the petitioner was absent on 25.09.2017, non-bailable warrant was issued against him. Therefore, he was arrested on 26.12.2017 and is inside in jail for more than 100 days.

3.The learned counsel appearing for the petitioner undertakes that the petitioner shall appear before the Trial Court regularly on all future hearing dates without fail.

4.Even if on one hearing, he is absent and no application is filed for condoning his absence, order granting bail shall stand cancelled.



5. Recording the abovesaid undertaking given by the learned counsel appearing for the petitioner, 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.V, Tirunelveli District.
- (ii) The petitioner shall appear before the Trial Court regularly in all future hearings without fail.
- (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/-

04/04/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT
 - 2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE INSPECTOR OF POLICE
MANOOR POLICE STATION, TIRUNELVELI DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.5377

ORDER IN
CRL OP(MD) No.5114 of 2018
Date :04/04/2018