



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

Thursday, the Sixth day of December Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.21535 of 2018

ANANTH @ ANANTHARAJ

... PETITIONER/ ACCUSED NO.1

Vs

STATE REPRESENTED BY  
THE SUB INSPECTOR OF POLICE  
DEVARKULAM POLICE STATION,  
TIRUNELVELI DISTRICT.  
Crime No.192/2014

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SUNDARAPANDIAN Advocate

For Respondent : Mr.S.CHANDRASEKAR  
Additional Public Prosecutor

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

**ORDER :** The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 28.08.2018 in S.C. No.521 of 2016 on the file of the III Additional Sessions Court, Tirunelveli, for the offence punishable under Sections 147, 148, 294(b), 302 and 109 of I.P.C., in Crime No.192 of 2014, on the file of the respondent police, seeks bail.

2. The learned Counsel for the petitioner would submit that the petitioner was earlier granted bail and due to non-appearance of the petitioner in S.C.No.521 of 2016 on the file of the III Additional Sessions Court, Tirunelveli had issued a non-bailable warrant on 01.03.2018. He would further submit that the case was posted for fixing the date for trial. He would submit that the petitioner could not attend the Court since the petitioner had attended the funeral ceremony of his relative's and which was unable to be informed to his Counsel thereby a petition under Section 317 Cr.P.C., could not be filed and hence, non-bailable warrant came to be issued. He would also submit that the petitioner had attended the Court regularly.

3. The learned Additional Public Prosecutor would submit that the petitioner has got previous cases and in all the case the petitioner had let out on bail.



4. The learned Counsel for the petitioner undertakes that the petitioner will appear in all the future hearing dates without fail.

5. In view of the above submission made by the learned Counsel for the petitioner and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 III Additional Sessions Court, Tirunelveli and on further condition that:

[a] the petitioner shall appear before the learned III Additional Sessions Judge, Tirunelveli in all the future hearing dates without fail.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
06/12/2018

/ TRUE COPY /

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



TO

1. THE III ADDITIONAL SESSIONS JUDGE,  
TIRUNELVELI.

2. THE SUB INSPECTOR OF POLICE  
DEVARKULAM POLICE STATION,  
TIRUNELVELI DISTRICT.

3. THE SUPERINTENDENT,  
CENTRAL PRISON,  
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

+1. CC to Mr.S.SUNDARAPANDIAN Advocate SR.No.22770

ORDER  
IN  
CRL OP(MD) No.21535 of 2018  
Date :06/12/2018

TK/JC/SAR.4/07.12.2018/3P/6C