



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

Tuesday, the Sixteenth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CRL OP(MD) No.18785 of 2018

THOMAS

... PETITIONER/ 1st ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.737/2012

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.THALAIMUTHARASU Advocate

For Respondent : MR.K.K.RAMAKRSIHAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 26.09.2018 for the offences punishable under Sections 447, 294(b) 506(ii) IPC and Section 3 of TNPPDL Act in Crime No.737 of 2012 on the file of the respondent police. He seeks bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3.The case of the prosecution is that on 12.09.2012 at about 20.00 hours due to previous enmity, accused trespassed into the newly constructed building of the complainant and the accused used filthy language and damaged the dwelling house sunshade wall and also threatened her with dire consequences.

4.The learned counsel for the petitioner would submit that the petitioner was falsely implicated in this case and he has been regularly appeared before the Trial Court. On 23.11.2017, he was not in station and so he could not appear before the Trial Court. The non appearance is neither willful nor wanton. He further submitted that non bailable warrant was issued against the petitioner and he was remanded into judicial custody on 26.09.2018. He further submitted that he moved bail application before the Trial Court and the same was dismissed. Hence, he prays for grant of bail to the petitioner.



5.Considering the above facts and circumstances and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. 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 Fast Track Mahila Court, Kanyakumari District at Nagercoil.

(ii) the petitioner shall appear before the concerned Court daily at 10.30 a.m. until further orders.

(iii) if the petitioner does not appear before the concerned Court daily, the concerned Court is at liberty to issue Non Bailable Warrant to the petitioner.

sd/-

16/10/2018

/ TRUE COPY /

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

TO

1. THE JUDGE,
FAST TRACK MAHILA COURT,
KANYAKUMARI DISTRICT AT NAGERCOIL.
2. THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
3. THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.G.THALAIMUTHARASU Advocate SR.No.19779

ORDER

IN

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Date :16/10/2018

JM/PN/SAR-2/16.10.2018/2P.6C