



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

Tuesday, the Thirty First day of July Two Thousand Eighteen

PRESENT

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

CRL OP (MD) No.13470 of 2018

KANNAN

... PETITIONER/ A4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIJAYA NARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.140 OF 2011

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.ANGUSAMY, Advocate

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

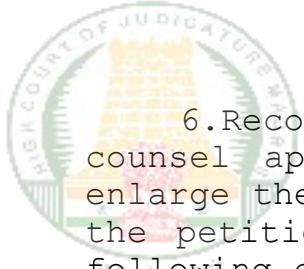
The petitioner is in judicial custody since 05.07.2018 for the offences punishable under Section 304 I.P.C, in Crime No.140 of 2011 on the file of the respondent police. He seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3.The petitioner is facing trial in S.C.No.296 of 2013 on the file of the learned Assistant Sessions Judge, Valliyoor. The petitioner was not present during the trial. Therefore, NBW came to be issued and he was secured pursuant to the arrest.

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

5.If the petitioner fails to appear before the Court below for future hearings, he is entitled to file appropriate petition under Section 317 Cr.P.C. Even if on one hearing, he is absent and no application is filed for condoning his absence, this order granting bail shall stand cancelled.



6. Recording the above said 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 Assistant Sessions Judge, Valliyoor.

(ii) The petitioner shall not abscond.

(iii) 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/-
31/07/2018

/ TRUE COPY /

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

TO

1. THE ASSISTANT SESSIONS JUDGE, VALLIYOOR.

2. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYMKOTTAI, TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
VIJAYA NARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.V.ANGUSAMY Advocate SR.No.14485

ORDER
IN
CRL OP(MD) No.13470 of 2018
Date : 31/07/2018

MS/MMS/SAR-4/31.07.2018/2P.6C