



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

Wednesday, the Twenty Fifth day of July Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.12752 of 2018

KUMAR

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.387 OF 2000

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.MAYILVAHANA RAJENDRAN, 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 :-

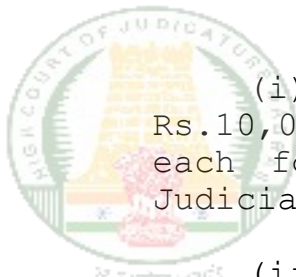
The petitioner is arrayed as accused No.2. He was arrested and remanded to judicial custody on 10.07.2018 for the offences punishable under Sections 147, 324, 427, 452, 286 r/w 149 of IPC, 341 r/w 147, 379 r/w 149, 366, 149 of IPC, in Crime No.387 of 2000, on the file of the respondent police. He seeks bail.

2.The petitioner is facing trial in C.C.No.145 of 2006 on the file of the Judicial Magistrate No.I, Kuzhithurai. The petitioner absconded for a long period. Therefore, Non Bailable Warrant was issued. When he applied for recall of warrant, it was rightly dismissed and the petitioner was rightly remanded into judicial custody.

3.The learned counsel for the petitioner submitted that there are some mitigating circumstances in this case and undertakes on instructions of the petitioner that the petitioner will appear regularly before the trial Court on all future hearings. 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. for condonation of his absence. If the condition is breached, this order granting bail shall stand cancelled automatically and the petitioner shall be remanded to custody again.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Subject to the above condition and also the condition stated infra, the petitioner is ordered to be released on bail.



(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.I, Kuzhithurai.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(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/-

25/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE, DISTRICT JAIL,
NAGERCOIL.
4. THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.C.MAYILVAHANA RAJENDRAN Advocate SR.No.13974

ORDER

IN

CRL OP (MD) No.12752 of 2018

Date :25/07/2018

MS/VR/SAR-1/25.07.2018/2P.7C