



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22274 of 2018

JEYAKUMAR @ LAAL

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.

NAGERCOIL IN CRIME NO.33 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.JEYARAM, 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 is in judicial custody since 09.12.2018 for the offences punishable under Sections 452,294(b), 307, 506(ii) of IPC , in PRC No.28 of 2017(Crime No.33 of 2016) pending on the file of the learned Judicial Magistrate No.I, Kuzhithurai. He seeks bail.

2.The petitioner herein is A2 in this case. The petitioner was granted bail during investigation in the above case and thereafter the petitioner went abroad for job. In the meanwhile, charge sheet was filed on 30.06.2016 and the case was committed on 15.05.2017. Since the petitioner was not available in the address summon could not be served, hence the Court has issued Nonailable Warrant. Thereafter when the petitioner returned from abroad, he was arrested in Thiruvananthapuram Air Port, based on the Nonailable Warrant issued by the trial Court.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent. The petitioner was not able to appear before the trial court, since he went abroad. The learned counsel undertakes that the petitioner shall appear before the court below regularly on all future hearing dates without fail. Hence, he prays for grant of bail to the petitioner.



5. Considering the above facts and circumstances and also the petitioner is having permanent residence 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 Judicial Magistrate Court No.I, Kuzhithurai, Kanyakumari District and on further condition that:

[a] the petitioner shall appear before learned Judicial Magistrate Court No.I, Kuzhithurai, Kanyakumari District on all hearing dates without fail.

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

[c] the petitioner shall not abscond 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]**.

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

sd/-

18/12/2018

/ TRUE COPY /

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

TO

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

+1. CC to Mr.A.JEYARAM Advocate SR.No.23463

ORDER IN

CRL OP (MD) No.22274 of 2018

Date :18/12/2018