



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20593 of 2018

VELLADURAI

... PETITIONER / ACCUSED No.2

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.288/2014)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.S.JEYAKARTHIK Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is A2 in C.C.No.409 of 2014, pending trial on the file of the learned Judicial Magistrate, Sivagiri, was arrested by the respondent Police on 06.09.2018, on the strength of NBW issued, for the offences punishable under Sections 454 & 380 of IPC., in Crime No.288 of 2018, , seeks bail.

2. Mr.M.S.Jeyakarthik, the learned counsel appearing for the petitioner would submit that the petitioner is in bail in other cases. As far this case is concerned, the petitioner was released on bail in the year 2014 and he had been appeared before the trial Court this case regularly. Only on one occasion, due to unavoidable circumstances, he was unable to attend the Court and inform his counsel and therefore, NBW was issued against him and on the strength of NBW, he was arrested. He undertakes that he will appear before the trial Court and co-operate with the trial.

3. Mr.K.Suyambulinga Bharathi, the learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that the petitioner was already granted bail and thereafter, for his non-appearance during the trial, NBW was issued on



31.08.2018 and he was apprehended only on 06.09.2018. Further, there are seven cases pending against the petitioner and if he is granted bail, he would again abscond and trial of the case could not be proceeded and therefore, prayed for dismissal of the petition.

4. Considering the above facts and circumstances of the case, this Court is inclined to granted bail to the petitioner, with certain conditions.

5. 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 learned Judicial Magistrate, Sivagiri and on further condition that:

[a] the petitioner shall appear before the trial Court, on all hearing days, without fail.

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

[c] the petitioner shall not abscond during 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].

sd/-

26/11/2018

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

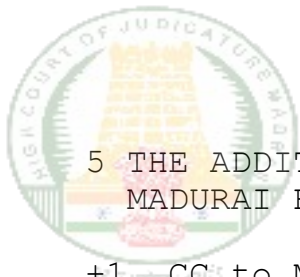
TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE SUB INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE OFFICER INCHARGE,
SUB-JAIL, SANKARANKOVIL.



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

+1..CC to M/S.M.S.JEYAKARTHIK Advocate SR.No. 22047

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ORDER
IN
CRL OP(MD) No.20593 of 2018
Date :26/11/2018

JM/VR MMS/SAR 4/26.11.2018/3P/7C