



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

Tuesday, the Fourth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21341 of 2018

VINU@NEPPOLIAN

... PETITIONER /1st ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KALIYAKKAVILAI,
KANYAKUMARI DISTRICT.
Crime No.354/2015

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.KISHORE Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 14.08.2018 for the offence punishable under Section 3(1) of TNPPDL Act, in Crime No.354 of 2015, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused persons are the members of the Bharathiya Janatha Party and on the date of occurrence there was a call for Bundh by the above said party and the petitioner along with other accused persons were damaged the Government bus by throwing stone.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the case has been charge sheeted and taken on file of the learned Judicial Magistrate-I, Kuzhithurai in P.R.C. No.57 of 2016 and on 06.08.2018 the learned Judicial Magistrate issued non bailable warrant against the petitioner for not complying the condition imposed earlier for two days and that the petitioner has another case in C.C.No.332 of 2010 on the file of the same Court and



the petitioner appeared before the said Court on 14.08.2018, the petitioner was sent to judicial custody. He would further submit that the petitioner was acquitted from all charges in C.C.No.332 of 2010 by an order dated 24.10.2018 by the learned Judicial Magistrate-I, Kuzhithurai. Thereafter, the petitioner has approached the learned Principal Sessions Judge, Nagercoil for bail in CrI. M.P. No.4016 of 2018, which was dismissed on 25.10.2018. Aggrieved over the same, the present petition is filed.

4. The learned counsel for the petitioner undertakes that the petitioner shall appear before the trial Court and co-operate with the trial.

5. Heard the learned Government Advocate (CrI.side).

6. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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- I, Kuzhithurai and on further condition that:

[a] the petitioner appear on all future hearing dates without fail.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness 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 229A IPC.

sd/-
04/12/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO I, KUZHITHURAI.
 2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
 3. THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KALIYAKKAVILAI,
KANYAKUMARI DISTRICT
 4. THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.C.KISHORE Advocate SR.No.22652

ORDER
IN
CRL OP (MD) No.21341 of 2018
Date : 04/12/2018

TK/PN/SAR-2/04.12.2018/3P/7C