



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1324 of 2019

AHMED RIBAI KABEER

... PETITIONER / ACCUSED -A3

Vs

THE INSPECTOR OF POLICE
ARALVAIMOZHI POLICE STATION,
KANYAKUMARI
Crime No.89/2012

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SURESHKUMAR 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 10.01.2019 for the offences punishable under Sections 147, 148, 341, 294(b), 326 IPC and 3 of TNPPDL Act in Crime No.89 of 2012, (PRC No.21 of 2017, on the file of the District Munsif cum Judicial Magistrate, Boothapandy) on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.12.2012 at about 04.15 hrs the petitioner along with others wrongfully restrained the bus and caused damaged to the windscreen of the bus

3. The learned counsel for the petitioner would submit that the petitioner was already granted by this Court on 20.02.2012 and also executed surety on 21.02.2012 and he was appearing before the lower court regularly Thereafter on 15.05.2017, NBW was issued. He would also submit that he went abroad for employment. He would also submit that petitioner is suffering from Chronic Bronchitis and he has to undergo treatment.



4. The learned Government Advocate (Crl.Side) would submit that the petitioner had been absconding from the year 2014 and after knowing that he has went abroad, LOC was issued and the petitioner after knowing about the LOC when he came back to his native he was arrested by the respondent police at the Immigration Department, Trivandrum Airport. He would also submit that the case has been posted on 01.02.2019 for committal. He would also submit that as regards other petitioners, the case is committed to the court of Sessions in S.C.No.222 of 2017 and the trial is going on.

5. 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.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond after committal proceedings in completed 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, Boothapandi and on further condition that:

[a] the petitioner shall report before the trial court on all hearing dates without fail.

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

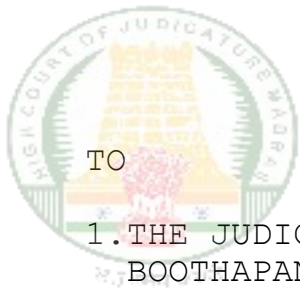
[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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/-
30/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
BOOTHAPANDI.

2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
ARALVAIMOZHI POLICE STATION, KANYAKUMARI.

4. THE SUPERINTENDENT,
CENTRAL PRISON, NAGERCOIL.

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

+1. CC to Mr.S.SURESHKUMAR Advocate SR.No.1731

ORDER

IN

CRL OP (MD) No.1324 of 2019

Date : 30/01/2019

TK/VR/SAR-2/30.01.2019/3P/7C