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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1996 of 2019

SEKAR ... PETITIONER / ACCUSED No.5

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No.95/2012 ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.A.EBENEZER 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 who was arrested on 31.01.2019 for the offence under Sections 147, 148, 341, 294(b), 323, 324, 326, 307 and 506(ii) of IPC, in Cr.No.95 of 2012 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was implicated for the offence under Sections 147, 148, 341, 294(b), 323, 324, 326, 307 and 506(ii) of IPC. Subsequently, the petitioner was enlarged on default bail by the concerned lower Court. When the case was posted for hearing he did not appear before the Court. Accordingly, the lower Court issued Non Bailable Warrant against the petitioner on 12.10.2018 for his non appearance and the Non Bailable Warrant was executed on 31.01.2019.

3.The learned counsel appearing for the petitioner would submit already the petitioner was enlarged on default bail by the concerned lower Court, however, due to ill health, he was unable to appear before the lower Court on that day. Accordingly, he prayed for bail. The learned counsel further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.

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4.The learned Additional Public Prosecutor submits that except this case, the petitioner has no other previous cases. Hence, in the event of the petitioner being enlarged on bail stringent conditions may be imposed on him.

5.Considering the nature of the case, I am 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the learned Judicial Magistrate, Nanguneri, daily at 10.30 a.m. until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/02/2019

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

TO

1.THE JUDICIAL MAGISTRATE, NANGUNERI.

2.THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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3.THE INSPECTOR OF POLICE,
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

4.THE SUPERINTENDENT,
CENTRAL PRISON,
PALALYAMKOTTAI, TIRUNELVELI DISTRICT.

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

+1. CC to Mr.T.A.EBENEZER Advocate SR.No.2561

ORDER
IN
CRL OP(MD) No.1996 of 2019
Date :07/02/2019

TK/PN/SAR-1/07.02.2019/3P/7C

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