



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2266 of 2019

RAMAIYA

... PETITIONER / ACCUSED 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
Crime No.42 of 2016

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.MICHEAL SSEBASTIN 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 petitioners, who were arrested and remanded to judicial custody since 10.12.2018 for the offence punishable under Section 393 IPC in PRC.No.42 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was implicated for the offence under Section 393 IPC in PRC.No.42 of 2016 pending on the file of the Judicial Magistrate No.I, Padmanabhapuram. 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 trial Court issued Nonailable Warrant against the petitioner on 02.01.2017 for his non appearance and the nonailable warrant was executed on 10.12.2018. Thereafter, the petitioner filed a petition for bail in Cr.M.P.No.383 of 2019 before the learned Principal Sessions Judge, Nagercoil, Kanyakumari District and the same was dismissed. Hence, this petition.

3.The learned counsel 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.

4. The learned Government Advocate (Crl.Side, on instructions, would submit that the trial is in progress at the PRC stage.

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 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, Thakkalay and on further condition that:

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

(b) the petitioner is directed to appear before the learned Judicial Magistrate No.I, Padmanabhapuram on all hearing dates, till the committal proceedings is over. After completing the committal proceedings, the petitioner shall appear before the Sessions Court daily at 10.30 a.m., until further orders ;

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
13/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
THAKKALAY.

2. THE JUDICIAL MAGISTRATE NO I,
PADMANABHAPURAM.

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

4. THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.

5. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.B.MICHEAL SSEBASTIN Advocate SR.No.2960

ORDER

IN

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Date :13/02/2019

TK/PN/SAR-1/13.02.2019/3P/8C