



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3282 of 2019

RAJKUMAR

... PETITIONER / ACCUSED No.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,,
TIRUNELVELI DISTRICT.
CRIME NO.81/2012

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR 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 and remanded into the judicial custody from 05.02.2019 pursuant to the Non Bailable Warrant issued by the Judicial Magistrate, Valliyoor, on 09.05.2018 for the non appearance of the petitioner in P.R.C.No.76 of 2017 pending on his file for the offence under Sections 436, 448, 294(b) and 506(ii) of IPC, in Cr.No.81 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 Section 436, 448, 294(b) and 506 (ii) of IPC. Subsequently, the petitioner was granted anticipatory 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 09.05.2018 for his non appearance and the Non Bailable Warrant was executed on 05.02.2019.

3.The learned counsel appearing for the petitioner would submit that already the petitioner was granted anticipatory bail by the concerned lower Court, however, due to viral fever, 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 condition that is to be imposed by this Court.



4.The learned Government Advocate (Crl. Side) submits that the petitioner is having five 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 and considering the period of incarceration, 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, Valliyoor 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, Valliyoor 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;

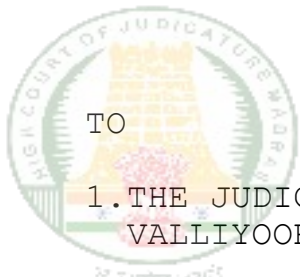
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
04/03/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
VALLIYOOR.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.C.SUSI KUMAR Advocate SR.No.4217

ORDER

IN

CRL OP (MD) No.3282 of 2019

Date : 04/03/2019

TK/JC/SAR-4/04.03.2019/3P/7C