



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

Tuesday, the Twelfth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3422 of 2019

PRAVEEN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.409/2006

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.RUSSEL RAJ Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 10.10.2018 for the offences under Sections 458 and 397 of IPC ,in PRC No. 79 of 2015 pending on the file of the learned Judicial Magistrate,Eraniel. He seeks bail.

2. The petitioner was absent during the trial in PRC No. 79 of 2015 on 12.01.2016 pending on the file of the file of the learned Judicial Magistrate, Eraniel. Thereby, Non Bailable Warrant came to be issued on 12.01.2019. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 10.10.2018.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent. The petitioner was not able to appear before the trial court on 12.01.2016. The learned counsel undertakes that the petitioner shall appear before the court below regularly on all future hearing dates without fail. He would also submit that the petitioner belongs to State of Kerala and the trial court counsel has not informed the hearing date to the petitioner for which he was unable to appear before the trial court, hence non bailable warrant came to be issued.Hence, he prays for grant of bail to the petitioner.



4. Heard the learned Government Advocate (Crl. Side) appearing for the State.

5. Considering the nature of the case and considering the period of incarceration, I am inclined to grant bail to the petitioner. 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 Government Surety who is residing in the jurisdiction of the court and one should be a blood related surety residing in the state of Kerala, each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel 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 trial court daily at 10.30 a.m. until the case is committed to the Court of sessions and thereafter before the sessions court until the case is disposed of;

(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/-

12/03/2019

/ TRUE COPY /

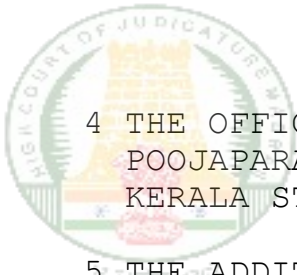
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.



4 THE OFFICER INCHARGE,
POOJAPARA JAIL AT THIRUVANANTHAPURAM,
KERALA STATE.

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

+1 CC to M/s.R.RUSSEL RAJ, Advocate (SR-4783[I] dated 13/03/2019)

ORDER

IN

CRL OP (MD) No.3422 of 2019

Date :12/03/2019

JM/VR/SAR 4/13.03.2019/3P/7C