



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

Monday, the Eleventh day of March Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3710 of 2019

THOWFEEK

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
COLLECHEL POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
CRIME NO.382 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : MR.I.SABEER MOHAMED 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 23.01.2019 for the offences under Sections 307 IPC @ 147,148,120(b),153(A) and 307 IPC ,in PRC No. 3 of 2016 pending on the file of the learned Judicial Magistrate,Eraniel. He seeks bail.

2. The petitioner was absent during the trial in PRC No. 3 of 2016 on 25.02.2017 pending on the file of the file of the learned Judicial Magistrate, Eraniel. Thereby, Non Bailable Warrant came to be issued on 25.02.2017. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 23.01.2019

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 25.02.2017. The learned counsel undertakes that the petitioner shall appear before the court below regularly on all future hearing dates without fail. 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 blood related surety, 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;

(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/-

11/03/2019

/ 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,
COLLECHEL POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.SABEER MOHAMAD, Advocate SR-4624

ORDER

IN

CRL OP(MD) No.3710 of 2019

Date :11/03/2019

JM/PN/SAR 1/11.03.2019/2P/7C

<https://hcservices.ecourts.gov.in/hcservices/>