



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

Friday, the Twelfth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5548 of 2019

SHIBU S.NAIR

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
KOLLEMCODE POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME NO.107 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SAJI BINO 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 is in judicial custody since 01.02.2019 for the offences under Section 420 of IPC, in C.C.No.101 of 2014 pending on the file of the Judicial Magistrate No.II, Kuzhithurai. He seeks bail.

2. The petitioner was absent during the trial in C.C.No.101 of 2014 on 22.11.2018 pending on the file of the file of the Judicial Magistrate No.II, Kuzhithurai. Thereby, Non Bailable Warrant came to be issued on 22.11.2018. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 01.02.2019.

3.The learned counsel appearing for the petitioner would submit that the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. However, on instructions, would submit that the petitioner is ready to abide any condition imposed by this Court. Hence, he would pray for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit one previous case is pending similar in nature against the petitioner. He would further submit that investigation is still pending.



5. Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on their 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 No.II, Kuzhithurai, and on further condition that:

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

(b) the petitioner shall appear before the learned Judicial Magistrate No.II, Kuzhithurai 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 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/-
12/04/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO-II,
KUZHITHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
KOLLEMCODE POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, POOJAPURA, THIRVANDRAM. (KRAAL STATE)

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

+1. CC to Mr.J.ASHOK Advocate SR.No.6659

PS/PN/SAR-4/12.04.2019/3P/7C

ORDER

IN

CRL OP (MD) No.5548 of 2019

Date :12/04/2019