



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

Thursday, the Tenth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.601 of 2019

HARI SELVAN

... PETITIONER / ACCUSED NO.3

Vs

THE STATE OF TAMIL NAD REB BY
THE INSPECTOR OF POLICE,
KOLLENCODE POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.323/2004)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.M.VISHNUVARTHANAN 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 27.11.2018 for the offences punishable under Sections 420 r/w.511 of IPC in C.C.No.126 of 2005 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai. He seeks bail.

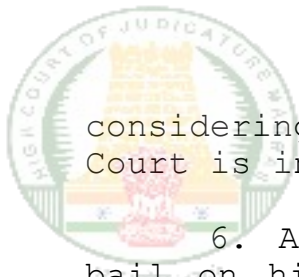
2.The petitioner was absent during the trial in C.C.No.126 of 2005 on 13.09.2016 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai. Thereby, Non Bailable Warrant came to be issued on 30.09.2016. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 27.11.2018.

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 13.09.2016. 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.

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

5.Considering the above facts and circumstances 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kuzhithurai and on further condition that:

[a] the petitioner shall appear before trial court on all hearing dates without fail.

[b] the petitioner shall not tamper with evidence or witness either during trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR Can be registered under Section 229 A IPC.

sd/-

10/01/2019

/ 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 AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
KOLLENCODE POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.P.M.VISHNUVARTHANAN Advocate SR.No.659
PS/VR/SAR-4/10.01.2019/2P/7C

ORDER

IN

CRL OP(MD) No.601 of 2019

Date :10/01/2019