

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7099 of 2019

ASAN ... PETITIONER / ACCUSED No.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.564 OF 2011) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.R.A.RAMACHANDRAN Advocate

For Respondent : MR.A.ROBINSON,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 20.09.2018 for the offences punishable under Sections 294(b), 506(ii) and 489(b) I.P.C., and altered into Sections 294(b), 506(ii), 489(b) and 489(c) I.P.C., in Crime No.564 of 2011 on the file of the respondent police, seeks bail.

2.Heard Mr.S.R.A.Ramachandran, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate(Crl.Side) appearing for the State.

3.The case of the prosecution is that this petitioner was already granted bail, however, he evaded the trial on 23.06.2018, for which, Non-Bailable Warrant was issued against him and the respondent police arrested him after three months and since then he is in judicial custody.

4.The learned counsel for the petitioner submitted that the petitioner was already granted bail and during the trial, he failed to appear for one hearing and therefore a Non-Bailable Warrant was issued. The learned counsel further submitted that the petitioner was arrested and remanded to judicial custody on 20.09.2018 and he

is languishing in the jail for the past seven months.

5. The learned Government Advocate (Crl.Side) submitted that this is a case of counterfeit currency and there is every possibility of the petitioner for evading the trial.

6. Considering the fact that the petitioner has already been granted bail and for his non-appearance for one hearing only, the Non-Bailable Warrant has been issued against the petitioner and the petitioner has already suffered incarceration for more than seven months, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarankoil, Tirunelveli District and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioner shall report before the Judicial Magistrate, Sankarankoil daily at 10:30 a.m., on all working days until further orders;

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
16/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
SANKARANKOIL, TIRUNELVELI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TIRUNELVELI DISTRICT.

4.THE SUPERINDENTENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

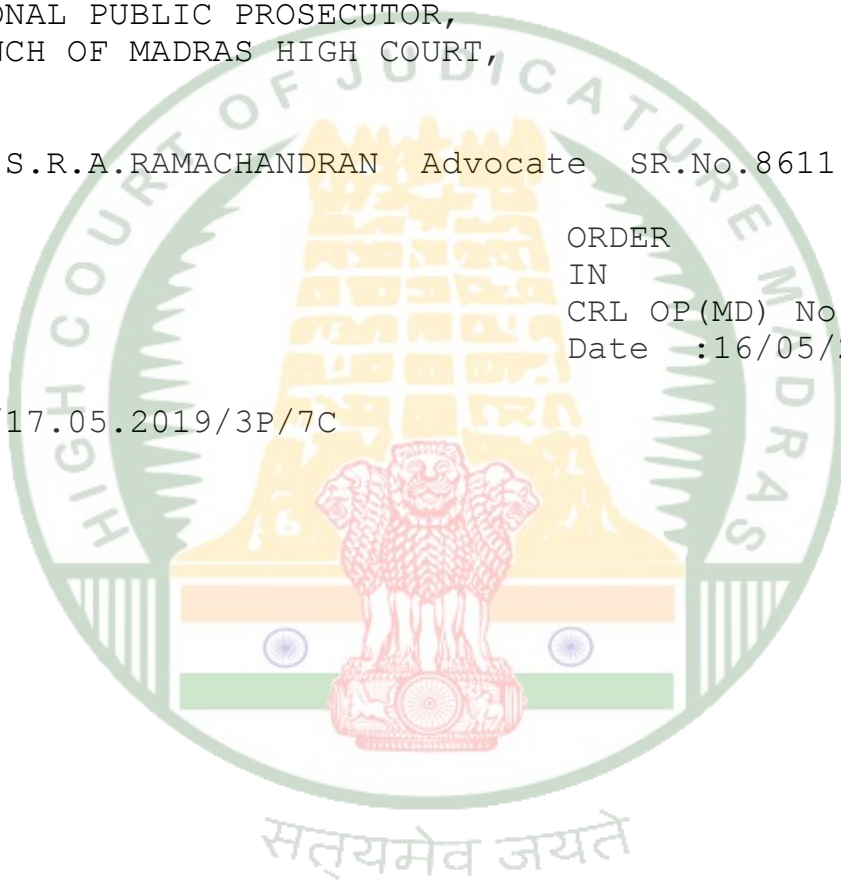
5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.S.R.A.RAMACHANDRAN Advocate SR.No.8611

ORDER
IN
CRL OP(MD) No.7099 of 2019
Date :16/05/2019

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AE/VR/SAR-II/17.05.2019/3P/7C



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