



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

Friday, the Eleventh day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.710 of 2019

MARIA ANTONY

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.337/2009)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR 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 :-

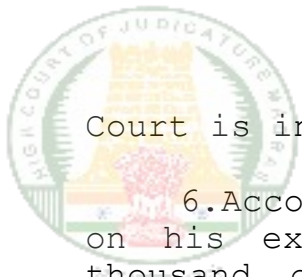
The petitioner is in judicial custody since 05.12.2018 for the offences punishable under Sections 379, 435 IPC and Section 4 of TNPPDL Act, in Crime No.337 of 2009, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner said to have stolen the defacto complainant's bike. Since he is unable to start the bike, he set fired.

3.The learned counsel for the petitioner would submit that the petitioner is the sole accused in this case. He has been regularly appearing before the trial Court for trial. On 19.11.2018, he had suffered from viral fever. Therefore, he is unable to appear before the Court and inform the same to his counsel. Since the petitioner has not appeared, non-bailable warrant was issued against the petitioner and the case was posted on 05.12.2018. On that day, the petitioner has surrendered himself before the trial Court and filed a petition for recall the non-bailable warrant issued against him. The trial Court has dismissed the same and remanded the petitioner to jail.

4.The learned Government Advocate (Crl.Side) for the respondent opposes to grant bail to the petitioner.

5.Considering the facts and circumstances of the case 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 1st Additional Sessions Judge, Tirunelveli, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

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

[c] the petitioner shall not tamper with evidence or witness 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 229A IPC.

sd/-

11/01/2019

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

TO

- 1 THE I ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
VALLIYOOR POLICE STATION, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.C.SUSI KUMAR Advocate SR.No.796
PS/VR/SAR-3/11.01.2019/2P/6C

ORDER

IN

CRL OP(MD) No.710 of 2019

Date :11/01/2019