

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 21/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7870 of 2019

Vanumamalai ... Petitioner/Accused No.3

Vs

State Rep.by

The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
Crime No.128/2012.

... Respondent/Complainant

For Petitioner : Mr.DURAI PANDIAN, Advocate for
M/s.R.Vinoth Bharathi, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.128/2012 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.3 seeking bail for the alleged offence punishable under Sections 147, 148, 120(b), 341, 302 and 201 of IPC in Crime No.128 of 2012.

2. Heard both sides.

3. The learned counsel for the petitioner has submitted that only on one hearing (i.e)22.01.2018, due to his ill health, the petitioner did not appear before the learned Judicial Magistrate, Nanguneri. He further submitted that the petition under Section 317 Cr.P.C was also filed, but the Judicial Magistrate dismissed the same and issued NBW and the said NBW was executed on 23.04.2018 and the petitioner was remanded to judicial custody on 23.04.2018 and that day onwards he is in custody. He further submitted that now the case has been committed to the Court of session and the case was taken by the 4th Additional District and Sessions Court, Tirunelveli in S.C.No.29 of 2019 and the petitioner, in future, will

appear before the trial court without any deviation hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor has fairly conceded that only on one hearing the petitioner was not appeared and the petition under Section 317 Cr.P.C was filed and the same was dismissed by the Judicial Magistrate. He also submitted that already the case was committed to the 4th Additional District and Sessions Court, Tirunelveli. It appears that already 11 cases are pending against the petitioner. But in those cases, he was already on bail. However, the investigation is still pending and hence, he opposed this petition.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past one year, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 4th Additional District and Sessions Court, Tirunelveli;

[b] 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;

[c] the petitioner shall appear before the trial Court on each and every hearing.

[d] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter as and when required for the interrogation;

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

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

[g] 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].

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

sd/-

21/06/2019

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

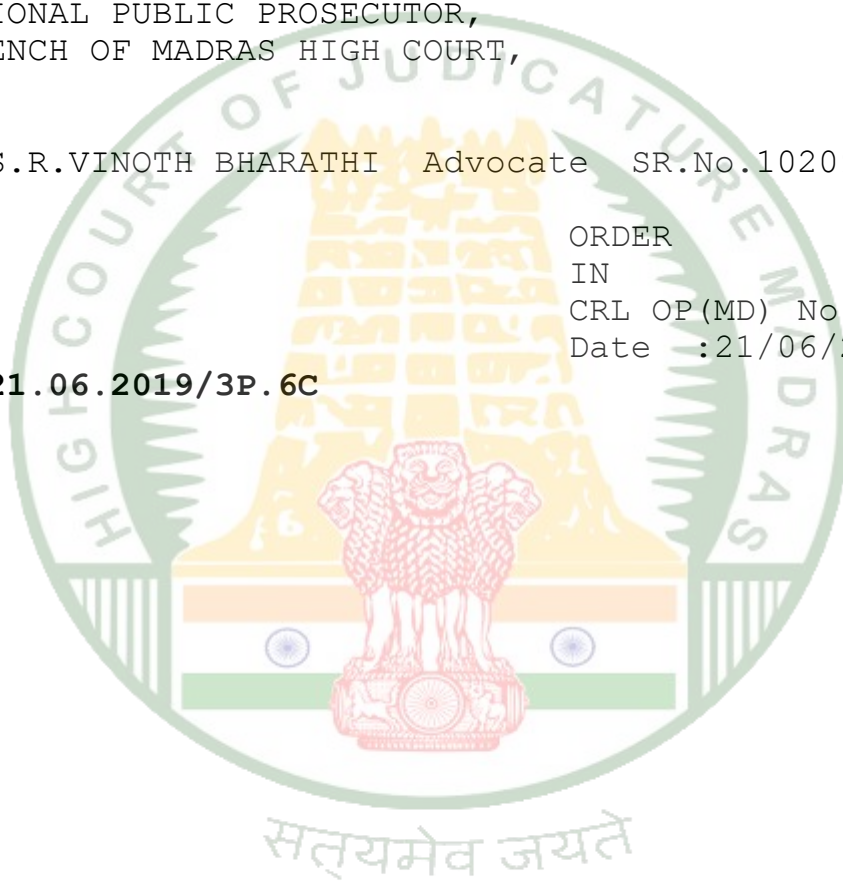
TO

1. THE 4th ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.
2. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYMKOTTAI, TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.VINOTH BHARATHI Advocate SR.No.10209

ORDER
IN
CRL OP(MD) No.7870 of 2019
Date :21/06/2019

MS/VR/SAR-4/21.06.2019/3P.6C



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