



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 28/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8448 of 2019

Epanecher Immanuvel @ Immanuvel Epanecher

...Petitioner/
Accused No.1

-Vs-

State Rep.by
The Inspector of Police,
Kalakad Police Station,
Tirunelveli District.
(Crime No.20/2019)

... Respondent/Complainant

For Petitioner : M/s.C.K.M.Appaji,
Advocate.

For Respondent : A.P.G.Ohm Chairma Prabhu,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Bail in Crime No. 20/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Sections 147,148 of IPC and Section 3(1) of TNPPDL Act.

2. Heard both sides

3. The learned counsel for the petitioner would submit due to previous enmity the defacto complainant has lodged a false complaint against the petitioner herein. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 11.06.2019 and he is in custody for the past 17 days. He would further submit that earlier the petitioner herein moved bail application before the Sessions court and bail was granted to the petitioner on condition to deposit Rs.1,56,000/-. Since the petitioner was not able to deposit the said amount he voluntarily surrendered before the lower Court and thereafter he was remanded to



judicial custody. Therefore he prayed to grant bail to the petitioner.

4. The learned Government Advocate(Crl.Side) submitted that the petitioner herein along with 4 others unlawfully assembled together with deadly weapons and caused damage to the fence of the defacto complainant worth about Rs.1,56,000/- Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that no previous case is pending against the petitioner.

5. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 17 days and also considering the fact that the petitioner was granted bail by the Sessions Court and since he is not able to deposit the said amount and voluntarily surrendered before the lower court, 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 learned Judicial Magistrate, Nanguneri.

[b]the petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty thousand only) to the credit of Crime No.20 of 2019 before the learned Judicial Magistrate, Nanguneri, without prejudice his defence before the trial Court;

[c] the petitioner shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

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

[f] 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].

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

sd/-

28/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYANKOTTAI.
 4. THE INSPECTOR OF POLICE,
KALAKAD POLICE STATION, TIRUNELVELI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.C.K.M.APPAJI Advocate SR.No.10662

ORDER
IN
CRL OP (MD) No.8448 of 2019
Date :28/06/2019

MS/VR/SAR-2/28.06.2019/3P.7C