



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9876 of 2019

Mohan @ Mundakkan Mohan

... Petitioner/Accused No.6

Vs

State:

The Inspector of Police,
Kulasekaram Police Station,
Kanniyakumari District.
Crime No.247 of 2010.

... Respondent/Complainant

For Petitioner : M/s.T.A.Ebenezer,
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. 247 of 2019 on the file of the Respondent Police.

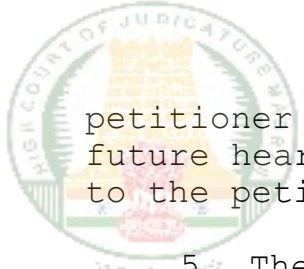
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.6 seeking bail for the alleged offence under Sections 120(B), 147,148,307,333,149 and 109 of IPC.

2. Heard both sides

3. The petitioner was absent during the trial in P.R.C No.3 of 2018, pending on the file of the learned Judicial Magistrate No.II, Padmanabapuram. Thereby, Non Bailable Warrant came to be issued on 19.11.2014. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 07.03.2017.

4.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 19.11.2014, since her daughter was admitted in the hospital. 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.

5. The learned Additional Public Prosecutor would submit that in this case some of the accused persons are absconding. He would also submit that if the petitioner is released on bail, it will affect the further progress of the case. Hence he opposed to grant bail to the petitioner.

6. Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner is in custody from 07.03.2017 onwards and also the fact that Non Bailable warrant is pending against other accused persons and no steps being taken for forfeiting the bail bonds executed by the other accused persons against whom Non Bailable Warrants are pending, 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 No.II, Padmanapapuram.

[b] the petitioner shall report before the learned Judicial Magistrate No.II, Padmanapapuram on all working days at 10.30 A.M until further orders.

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

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

[e] 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].

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

sd/-
15/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. II,
PADMANAPAPURAM

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION,
KANNYAKUMARI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr. T. A. EBENEZER Advocate SR. No. 11677

ORDER

IN

CRL OP (MD) No. 9876 of 2019

Date : 15/07/2019

aav

TK/MMS/SAR.1/15.07.2019/3P/7C