



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9802 of 2019

Mohan @ Mundakkan Mohan

... Petitioner/Accused No.1

-Vs-

State Rep.by
The Inspector of Police,
Vadaseri Police Station
Kanniyakumari District.
Crime No.21 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 :-

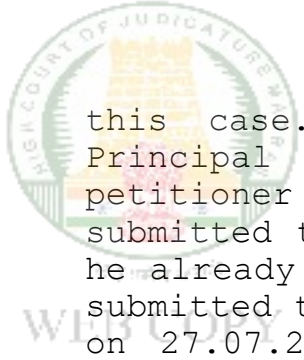
For Bail in crime No.21 of 2010 on the file of the Respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.1 seeking bail for the alleged offence under Sections 147,148,341,324,302,109,120(b) r/w.34 of IPC in P.R.C.No. 23 of 2011

2. Heard both sides

3. The learned counsel for the petitioner would submit that already bail was granted to the petitioner in the above case and he regularly appeared before the concerned court. He further submitted that since the petitioner's daughter was admitted in the hospital, he could not appear before the concerned court on 28.03.2016 and hence the learned Magistrate has issued Non Bailable Warrant against the petitioner. He further submitted that subsequently in a case in crime number No. 192 of 2017 of Palayamkottai Police Station and the police have arrested the petitioner on 07.03.2017 and hence he could not file a petition to recall warrant which was issued in



this case. He further submitted that subsequently the learned Principal Sessions Judge, Tirunelveli has granted bail to the petitioner for the case in Crime Number 192 of 2017. He further submitted that though the petitioner is having some previous cases, he already got bail and released on bail in these cases. He further submitted that the petitioner was arrested by the respondent police on 27.07.2018 and was remanded to judicial custody. The learned counsel further 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.

4.The learned Additional Public Prosecutor would submit that the petitioner did not appear before the concerned court on 28.03.2019 and he has also not made any arrangement for filing petition under Section 317 Cr.P.C to condone his absence and hence non bailable warrant was issued and subsequently he was arrested by the Palayamkottai Police in crime Number 192 of 2017 and through P.T warrant he was remanded in this case on 27.07.2018. He further submitted that already 14 previous cases are pending and under the said circumstances and if he is released on bail he will not appear before the concerned court and no progress can be made in the above case. Hence he strongly opposed to grant bail to the petitioner.

5.Taking into consideration all the allegations made against the petitioner and also taking into consideration the period of incarceration and also taking in to consideration the petitioner is in bail in all the previous cases, 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 Judicial Magistrate No.II, Nagercoil.

[b] the petitioner shall report before the Judicial Magistrate No.II, Nagercoil, daily at 10.30 A.M until Further Orders and thereafter, as and when required for the interrogation.

[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/-
12/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
VADASERI POLICE STATION, KANNYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.11652

ORDER
IN
CRL OP (MD) No.9802 of 2019
Date :12/07/2019

MS/PN/SAR-4/12.07.2019/3P.7C