



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9883 of 2019

Sudhanthira Raja

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
Crime No.47 of 2013.

... Respondent/Complainant

For Petitioner : M/s.M.S.Jeyakarthik,
Advocate.

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

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

PRAYER :-

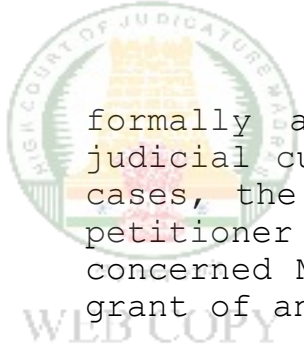
For Bail in Crime No. 47 of 2013 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.2 seeking bail for the alleged offence punishable under Section 379 of IPC r/w Section 34 of IPC, in Crime No.47 of 2013.

2.Heard both sides.

3.The learned counsel for the petitioner has submitted that originally the petitioner was arrested in this case and subsequently, he was released on bail. He further submitted that on one hearing date (I.e) on 16.02.2015, the petitioner has not appeared before the learned Judicial Magistrate, Paramakudi and hence, Non Bailable Warrant was issued against him. Subsequently on 18.01.2016, the petitioner was arrested in Crime No.150 of 2016 of Central Police Station, Tuticorin District, but, immediately the petitioner was not remanded in this case also. Only after granting bail in that case, the respondent police has obtained PT warrant and



formally arrested the petitioner in this case and remanded to judicial custody on 06.06.2019. He further submitted that in other cases, the petitioner is on bail. He further submitted that if the petitioner is released on bail, he will appear regularly before the concerned Magistrate without any deviation and hence, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that since the petitioner not appeared before the learned Judicial Magistrate, Paramakudi, NBW was issued on 16.02.2015 and subsequently he was arrested on 18.01.2016 in crime No.150 of 2016 of Central police Station, Tuticorin District, and only on 06.06.2019, after coming to know about the aforesaid facts, the respondent police has obtained PT warrant from the Court and remanded the petitioner in the present case. He further submitted that already the petitioner is having three previous cases and if the petitioner is released on bail, he will not appear before the concerned Magistrate and the case will be kept pending and hence, he strongly opposed this petition.

5.Taking into consideration the fact that though the petitioner was arrested on 18.01.2016 in crime No.150 of 2016 on the file of the Central Police Station, Tuticorin, the petitioner is having bad antecedent, the concerned police would have informed to the respondent police with regard to the arrest of the petitioner, but the respondent police has not taken any steps to remand the petitioner in this case. After waiting for three years, when the petitioner was released on bail in crime No.150 of 2016 of Central Police Station, Tuticorin District, the respondent police has obtained PT warrant and remanded the petitioner only on 06.06.2019 in this case and also the fact that in other cases the petitioner is on bail, 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, Paramakudi.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month 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/-

22/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
 4. THE INSPECTOR OF POLICE,
NAINARKOIL POLICE STATION, RAMANATHAPURAM DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.12075

ORDER

IN

CRL OP(MD) No.9883 of 2019

Date :22/07/2019

MS/PN/SAR-2/22.07.2019/3P.7C