



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10128 of 2019

Muthukumar @ Cilbakumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.
Crime No.507 of 2013.

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan,
Advocate.

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

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

PRAYER :-

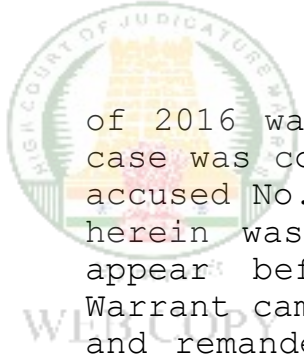
For bail petition in cr.no.507 of 2013 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused seeking bail for the alleged offences under Section 399 of IPC

2. The petitioner was absent during the trial in P.R.C.No.42 of 2016 on 31.08.2017, pending on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District. Thereby, Non Bailable Warrant came to be issued on 31.08.2017. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 29.01.2019.

3.The learned counsel for the petitioner has submitted that the case was originally charge sheeted and taken on file as PRC No.2 of 2014 on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District against five accused persons and the case was split up against A1,2,4 and 5 and new PRC No. 42



of 2016 was assigned. He further submitted that as against A3 the case was committed to the court of Sessions and after full trial the accused No.3 was acquitted. He further submitted that the petitioner herein was arrested in some other case and hence he could not appear before the trial court on 31.08.2017 and hence Non Bailable Warrant came to be issued and the petitioner was arrested on 29.01.2019 and remanded to judicial custody and from that date onwards he is in custody. The learned counsel has further submitted 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 since the petitioner did not appear before the concerned Court, Non Bailable Warrant came to be issued on 31.08.2017 and the accused was arrested on 29.01.2019 and remanded to judicial custody. He further submitted that nine previous cases are pending against the petitioner. He further submitted that if the petitioner is released on bail he will not appear before the trial court. Hence he opposed to grant bail to the petitioner.

5.Taking into consideration of the allegations made against the petitioner and also taking into consideration the period of incarceration, and also considering the fact that Non Bailable Warrant is pending against A2, A4 and A5 and there is no possibility to commit the case in near future and also the fact that A3 was acquitted after full trial, 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, Padmanabhapuram.

[b] the petitioner shall report before the learned Judicial Magistrate, Padmanabhapuram, daily at 10.30 AM 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/-

24/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE, PADMANABHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE, THUCKALAY POLICE STATION,
THUCKALAY, KANYAKUMARI DISTRICT.
4. THE OFFICER INCHARGE, DISTRICT JAIL,
NAGERCOIL, KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.12169

ORDER

IN

CRL OP(MD) No.10128 of 2019

Date :24/07/2019

MS/PN/SAR-4/24.07.2019/3P.7C