



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10486 of 2019

Left Satheesh Kumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Sub Inspector of Police,
Kollemcode Police Station,
Kanyakumari District.
Crime No.230 of 2010

... Respondent/Complainant

For Petitioner : M/s.M.R.Sreenivasan,
Advocate.

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

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

PRAYER :-

For bail petition in SC No.167 of 2013 on the file of the Additional District and Sessions Judge, Padmanabhapuram.

ORDER : The Court Made the following order :-

1.This petition has been filed by the Accused-1, seeking bail for the alleged offences punishable under Section 294(b) and 506(ii) I.P.C and Section 3 of TNPPDL Act in Cr.No.230 of 2010 on the file of the respondent Police.

2.The learned counsel for the petitioner has submitted that the petitioner was regularly appearing before the Court of the learned Additional District and Sessions Judge, Padmanabhapuram in S.C.No.167 of 2013. On 18.06.2019, he could not appear before the Court, due to his illness and in pursuant to that, a non-bailable warrant was issued against him. According to him, it is neither willful nor wanton, because of his ill-health only. He further submitted that the petitioner is in judicial custody from 11.07.2019 onwards. He further undertakes that the petitioner will regularly appear before the Sessions Court in all future hearing dates. Therefore, he prayed to grant bail to the petitioner.



3. Per contra, the learned Additional Public Prosecutor has submitted that due to the non-appearance of the petitioner before the Court, on 18.06.2019, a non-bailable warrant was issued against him and the same was executed on 11.07.2019 and the petitioner is in judicial custody from that date onwards. Hence, he strongly opposed this petition.

4. Considering the submission made by the learned counsel for the petitioner that since the petitioner was suffering from diarrhoea, he could not appear before the trial court on 18.06.2019 and due to that, NBW was issued and the same was executed on 11.07.2019 and the petitioner was arrested and remanded to judicial custody on the same day and also considering the nature of the offence said to have been committed by the petitioner and also the undertaking given by the learned counsel for the petitioner that hereafter, the petitioner will regularly appear before the trial court without any deviation, 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 Additional District and Sessions Judge, Padmanabhapuram .

[b] the petitioner shall report before the trial court daily 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/-
25/07/2019

/ TRUE COPY /

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



TO

1. THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, PADMANABHAPURAM.

2. THE SUB INSPECTOR OF POLICE,
KOLLEMCODE POLICE STATION,
KANYAKUMARI DISTRICT.

3. THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

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

+1. CC to Mr.M.R.SREENIVASAN Advocate SR.No.12280

ORDER

IN

CRL OP(MD) No.10486 of 2019

Date :25/07/2019

VS

TK/PN/SAR.1/25.07.2019/3P/6C