



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10573 of 2019

Senthil Kumar @ Subramanian @ Bazar ... Petitioner/2nd Accused

Vs

The State of Tamil Nadu
The Inspector of Police,
Aralvaimozhy Police Station,
Kanyakumari District.
Crime No.338 of 2015

... Respondent/Complainant

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

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

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

PRAYER :-

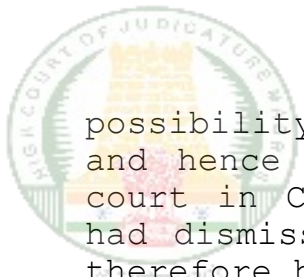
For Bail in Crime No. 338 of 2015 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.2 seeking bail for the alleged offence under Sections 302 and 201 of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that originally the petitioner was released on bail and subsequently he was arrested in some other case and hence he could not appear before the trial court in S.C.No.305 of 2016 on 10.12.2018 and subsequently Non Bailable Warrant was issued on 10.12.2018 and the same was executed and the petitioner was arrested on 02.02.2019 and remanded to judicial custody and from that date on wards he is in judicial custody. he further submitted that since Non Bailable Warrant is pending against A3, the trial has not commenced and there is no



possibility of disposing of the above said case in the near future and hence the petitioner has filed the petition before the trial court in CrI.M.P.No.1144 of 2019 seeking bail and the trial court had dismissed the said application vide order dated 25.03.2019 and therefore he prayed to grant bail to the petitioner.

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4. The learned Additional Public Prosecutor fairly conceded that since Non Bailable Warrant is pending against A3, the trial has not commenced and there is no possibility of disposing of the above said case in the near future. However he opposed to grant bail to the petitioner on the ground that eight previous cases are pending against the petitioner.

5. Taking into consideration of all the aforesaid facts and also taking into consideration the fact that the petitioner is in custody from 02.02.2019 and also considering the fact that A3 is still absconding and there is no possibility of disposing of the above said case in the near future, 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 Additional Sessions Judge, Kanyakumari District.

[b] the petitioner shall report before the learned Additional Sessions Judge, Kanyakumari District 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/-

26/07/2019

/ TRUE COPY /



TO

1. THE ADDITIONAL SESSIONS JUDGE,
KANYAKUMARI DISTRICT.

2. THE INSPECTOR OF POLICE,
ARALVAIMOZHY POLICE STATION,
KANYAKUMARI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.

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

+1. CC to Mr.R.BALAKRISHNAN Advocate SR.No.12359

ORDER

IN

CRL OP(MD) No.10573 of 2019

Date :26/07/2019

aav

TK/PN/SAR.3/26.07.2019/3P/6C