



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

Date : 26/07/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10581 of 2019

Sivarama Krishnan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
Crime No. 214 of 2007.

... Respondent/Complainant

For Petitioner : M/s.D.Venkatesh,
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. 214 of 2007 on the file of the
Respondent Police.

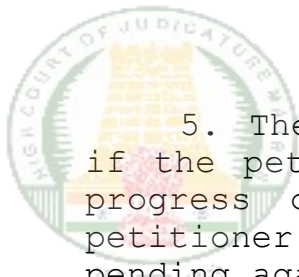
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused
seeking bail for the alleged offence under Sections 294(b) of IPC
and Section 4 of TNPHW Act.

2. Heard both sides

3. The petitioner was absent during the trial in C.C.No. 310
of 2007, pending on the file of the learned Judicial
Magistrate , Nanguneri. Thereby, Non Bailable Warrant came to be
issued on 02.11.2018. Pursuant to the same, the petitioner was
arrested and remanded to judicial custody on 03.07.2019.

4.The learned counsel for the petitioner would submit that the
petitioner is an innocent. The petitioner was not able to appear
before the trial court on 02.11.2018, since he was suffering from
aged old disease. The learned counsel 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.



5. The learned Additional Public Prosecutor would submit that if the petitioner is released on bail, it will affect the further progress of the case. Hence he opposed to grant bail to the petitioner. However he fairly conceded that no previous case is pending against the petitioner.

WEB COPY

6. Taking into consideration of the allegations made against the petitioner and also the fact that the petitioner is in custody from 03.07.2019, 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, Nanguneri.

[b] the petitioner shall report before the Judicial Magistrate, Nanguneri 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 /

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

TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.VENKATESH Advocate SR.No.12360

ORDER IN

CRL OP(MD) No.10581 of 2019

Date : 26/07/2019