



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

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PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.11351 of 2019

Arun Rajendran

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Nazareth Police Station,
Tuticorin District.
(Crime No. 247/2015).

... Respondent/Complainant

For Petitioner : M/s.S.Senthil Sankara Nathakumar,
Advocate.

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

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

PRAYER :-

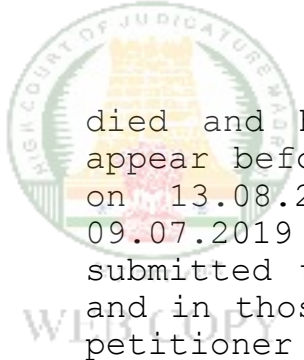
For Bail in Crime No. 247 of 2015 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused seeking bail for the alleged offence punishable under Sections 450 and 307 of IPC and 4 of TNPHW in Crime No.247 of 2015.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that the petitioner was arrested in the above case and remanded to judicial custody and subsequently he was released on bail. He further submitted that the petitioner's mother suddenly



died and hence, the petitioner got depression and he could not appear before the concerned Court and consequently, NBW was issued on 13.08.2018 and subsequently the said NBW was executed on 09.07.2019 and from that date onwards he is in custody. He further submitted that though the petitioner is having four previous cases and in those cases he 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 to grant bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that since the petitioner is jumped out of bail and he was absconding for more than one year, NBW was issued and only on 09.07.2019 the petitioner was arrested and remanded to judicial custody. He further submitted that already the petitioner is having four previous cases. He further submitted that the petitioner is a history sheeter. He further submitted that if he is released on bail he would not appear before the concerned Court and hence, he strongly opposed this petition.

5.Taking into consideration of the fact that the petitioner is in custody from 09.07.2019 and also the submission made by the learned counsel for the petitioner that hereinafter the petitioner will appear before the concerned Court regularly and also the fact that in other cases, the petitioner is already 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 learned Judicial Magistrate, Sathankulam;

[b]the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[c] the petitioner shall report before the concerned Magistrate at 10.30 a.m., on all working days until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
13/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SATHANKULAM
2. -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
NAZARETH POLICE STATION,
TUTICORIN DISTRICT.
- 4 THE OFFICER IN CHARGE,
DISTRICT PRISON, PENOORANI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SENTHIL SANKARA NATHA KUMAR, Advocate
(SR-13454[I] dated 14/08/2019)

ORDER
IN
CRL OP(MD) No.11351 of 2019
Date :13/08/2019

ES/JC/SAR 4/14.08.2019/3P/7C