



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11594 of 2019

Edwin Robert @ Sappaiyan

... Petitioner/Accused No.4

Vs

State rep by its
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.257 of 2015

... Respondent/Complainant

For Petitioner : M/s. S.Deenadhayalan,
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.257 of 2015 on the file of the respondent.

ORDER : The Court Made the following order :-

1.This petition has been filed by the petitioner/Accused-4, seeking bail for the alleged offences punishable under Section 324 I.P.C @ 341, 294(b), 120(b), 307 and 506(ii) I.P.C in Cr.No.257 of 2015 on the file of the respondent Police.

2.The learned counsel for the petitioner has submitted that in this case, the petitioner was already released on bail by the Sessions Court and subsequently, charge sheet has been laid in P.R.C.No.69 of 2015. Pending committal, the petitioner was implicated in one another case and he has been arrested. Hence, a non-bailable warrant was issued against the petitioner on 26.05.2017 and on PT warrant, the petitioner was produced and remanded to



judicial custody on 15.07.2018. Therefore, he prayed to grant bail to the petitioner.

3.Per contra, the learned Additional Public Prosecutor has submitted that there are totally four accused in this case and except the petitioner, other accused persons are absconding. He further submitted that in this case, charge sheet has been laid in P.R.C.No.69 of 2015 and it is pending for committal. As investigation is pending, he strongly opposed this petition.

4.However, taking into consideration of the fact that the petitioner is in judicial custody from 15.07.2018 and since the other accused persons are absconding and the case has not been committed to the Court of Sessions for the past 4 years, this Court is inclined to grant bail to the petitioner, by imposing conditions:-

Accordingly,

[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, Eraniel, Kanyakumari District.

[b] the petitioner shall report before the concerned Judicial Magistrate, daily at 10.30 a.m on all working days 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/-
21/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.S.DEENADHAYALAN Advocate SR.No.13859

ORDER

IN

CRL OP(MD) No.11594 of 2019

Date : 21/08/2019

TK/VR/SAR.2/21.08.2019/3P/7C