



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.12292 of 2019

Suyambulingam @ Vaali,

... Petitioner/Accused No.4

Vs

State rep. by
The Sub Inspector of Police,
Asaripallam Police Station,
Nagercoil,
Kanyakumari District
Cr No. 301/2014.

... Respondent/Complainant

For Petitioner : M/s. G. Karuppasamy Pandiyan,
Advocate.

For Respondent : A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C. PRAYER :-

For Bail in Crime No.301 /2014 on the file of the respondent police.

ORDER : The Court Made the following order :-

1.Heard the learned counsel on either side.

2.The petitioner was originally arrested in the year 2014 and enlarged on bail on 27.10.2014. It appears that the petitioner is involved in a number of other cases. He was arrested based on PT warrant in some other case. As a result, in the committal proceedings Non Bailable Warrant came to be issued against the petitioner in the case on hand. The petitioner is prison for almost 500 days. Taking note of the fact that the petitioner was enlarged on bail and he could not appear in the committal proceedings only on account of his detention based on PT warrant, I am inclined to grant bail to the petitioner.



3.The case on hand pertains to the year 2014. Final report was filed in the year 2015. For more than four years, the committal proceedings are not getting concluded on account of abscond of A2 and A3. There are totally four accused in this case.

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4.The learned Government Advocate (Crl. Side) submitted if the petitioner is granted bail, he may also abscondence and join the list of A2 and A3.

5.Taking note of the facts and circumstances, this Court is inclined to grant bail to the petitioner. Accordingly, the Petitioner is ordered to be released on bail, subject to the following 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 No.I, Nagercoil..

[b] the Petitioner is directed to appear daily before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District, till A2 and A4 are secured. It is made clear that this condition will not be modified or relaxed for any reason.

[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.

[g] the Superintendent of Police, Kanyakumari District is directed to constitute a team to secure A2 and A3.

sd/-

03/09/2019

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



TO

1. JUDICIAL MAGISTRATE NO.I, NAGERCOIL..
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.
3. THE SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
5. THE SUPERINTENDENT AT CENTRAL PRISON,
PALAYAMKOTTAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1CC TO MR.G.KARUPPASAMY PANDIAN, Advocate Sr. No. 14576

ORDER

IN

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TR/PN/SAR-I (03.09.2019) 3P 8C