



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/09/2019

WEB COPY

PRESENT

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

CRL OP(MD) . No.12348 of 2019

Baiju, ... Petitioner/Accused No.1

Vs

The State
The Inspector of Police,
Kollnencode Police Station, Kanyakumari
District (Crime No.93 of 2013).

... Respondent/Complainant

For Petitioner : M/s. S. Sivakumar,
Advocate.

For Respondent : A.Robinson,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

for Anticipatory Bail in Crime No.93 of 2013 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the
respondent police in S.C.No.131 of 2017, on the file of the
Principal District and Sessions Judge, Nagercoil, for the alleged
offences under Sections 147, 294 (b), 353, 506(i) of IPC and Section
3 of TNPPDL Act, seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner and
the learned Government Advocate (Crl. Side) appearing for the
respondent.



3.The petitioner is shown as accused No.1, in Crime No.93 of 2013, on the file of the respondent police. The case was investigated and final report was filed and it is pending trial before the Principal Sessions Court. In this case, there are as many as 7 accused. On account of the abscondance by the petitioner, the case was split up and the case against the other accused is now proceeding in S.C.No.31 of 2016. The case against the petitioner herein is pending in S.C.No.131 of 2017.

4.The petitioner's counsel now states that henceforth there will not be any act of abscondance on his part. He undertakes to appear regularly in person on every hearing. In the event of he not being able to appear, he will ensure that his counsel will appear on his behalf and file an application under Section 317 Cr.P.C.. If this undertaking is breached by the petitioner, the order now passed will stand recalled and the petitioner will be remanded to custody. Since the trial on the other accused is yet to commence, this Court is of the view that S.C.No.31 of 2016 and S.C.No.131 of 2017 can be clubbed together so that the case is proceeded for trial from the next hearing i.e., on 11.09.2019. The petitioner undertakes to appear before the Court below on 11.09.2019 and apply for recall of warrant. On such application being filed, the learned Trial Judge is directed to recall the same on the same day.

4.With these observations, the Criminal Original Petition stands allowed.

sd/-
05/09/2019

/ TRUE COPY /

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

TO

1.The learned Principal District and Sessions Judge,
Nagercoil.

2.The Inspector of Police,
Kollnencode Police Station, Kanyakumari
District.



CRL OP(MD) . No.12348 of 2019

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.S.SIVAKUMAR, Advocate Sr. No. 14895

ORDER
IN

CRL OP(MD) No.12348 of 2019

TR/PN/SAR-IV (09.09.2019) 3P 5C