



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD)No.407 of 2019

Nallavan @ Nallathambi

... Appellant/Petitioner

Vs

1.The Deputy Superintendent of Police,
Bodinayakkanur Sub Division,
Theni District.

2.State,
rep. by Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
(Cr.No.983/2016)

... 1st & 2nd Respondents/
Complainants

3.Vinoth

... 3rd Respondent/Defacto
Complainant

PRAYER: Criminal Appeal is filed under Section 14 A (2) of SC/ST (POA) Act, 1989, to call for the records relating to the order of Dismissal of Bail Application dated 19.08.2019 made in Cr.M.P.No.2536 of 2019 on the file of the learned Principal Sessions Judge, Theni and to set aside the same and enlarge the appellant on bail in connection with the case in Spl.S.C.No.6 of 2017 pending on the file of the learned Principal Sessions Judge, Theni by allowing the Criminal Appeal.

For Appellant : Mr.P.Senguttuarasan

For R1 & R2 : M/s.M.Anantha Devi
Government Advocate (Crl.side)

JUDGMENT

The petitioner is figuring as accused in Special S.C.No.6 of 2017 on the file of the Principal Sessions Judge, Theni.

2.The petitioner absconded leading to issuance of non bailable warrant. He was arrested and remanded to custody on 26.06.2019. He is in prison for about 72 days.



3.The petitioner's custody gives an undertaking that the petitioner will attend all the future hearing dates. However, if he is not able to appear, he will ensure that his counsel files an application under Section 317 of Cr.P.C to represent him. If this undertaking is breached, the order now passed will stand automatically recalled and the petitioner will be taken to custody.

4.Recording the said undertaking given by the petitioner's counsel, this Court enlarges the petitioner on bail. This criminal appeal stands allowed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Sessions Judge, Theni

2.The Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Theni District.

3.The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.

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

+1 CC to M/s.P.SENGUTTUARASAN, Advocate (SR-85654[F] dated
06/09/2019)

Crl.A(MD)No.407 of 2019
06.09.2019

rmi

JMN(09.09.2019) 2P : 6C