



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/09/2019

PRESENT

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

CRL OP(MD). No.13331 of 2019

WEB COPY

Suyambulingam @ Vaali

... Petitioner/Accused No.7

Vs

State rep.by

The Sub Inspector of Police,

Susindrum Police Station,

Nagercoil,

Kanyakumari District

(Crime No.669 of 2015).

... Respondent/Complainant

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

For Respondent : Mr.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.669 of 2015 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner was originally arrested in Crime No.669 of 2015, on the file of Susindrum Police Station, registered for the offences under Sections 147, 148, 341, 294(b), 307 and 506(ii). He was granted bail on 29.09.2016 in Crl.O.P.(MD)No.17404 of 2016. The petitioner's counsel makes an assertion that the bail order granted by this Court is still intact and has not been cancelled, while the petitioner was arrested in connection with some other case. Therefore, he could not appear before the committal Magistrate (Judicial Magistrate No.III, Nagercoil) on 25.01.2017. Hence, Non Bailable Warrant was issued. He was produced before the committal Court on 10.04.2018 under PT warrant. The petition filed a petition for bail and the same was dismissed. He also filed the second petition before the Sessions Court and that was also dismissed on 07.08.2019.



2.The petitioner's counsel points out that as per the recent ruling of this Court in the decision reported in **2019-2-L.W. (Cr1.) 174, (Palanivel Vs. The State)**, it has been held that PT warrant can never be converted into a regular warrant, in a case where the accused person is already on bail. I am of the view that since the facts are undisputed, the said ruling will clearly apply to the case on hand. Hence, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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, Kanyakumari District.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
24/09/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I
NAGERCOIL KANYAKUMARI DISTRICT

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE SUB INSPECTOR OF POLICE
SUSINDRUM POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT



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

+1 CC to M/s.G.KARUPPASAMY PANDIAN,
Advocate(SR-16215[I] dated 24/09/2019)

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ORDER
IN
CRL OP(MD) No.13331 of 2019
Date :24/09/2019

IAS
ES/PN/SAR 4/24.09.2019/2P/7C