



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2019

WEB COPY

PRESENT

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

CRL OP (MD) . No.13297 of 2019

Eroonimose,

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Kollencode Police Station,
Kanyakumari District (Crime No.59 of 2003).

... Respondent/Complainant

For Petitioner : M/s. S.C. Herold Singh,
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.59 of 2003 on the file of the respondent police

ORDER : The Court made the following order :-

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

2.The petitioner is facing trial in S.C.No.235 of 2004 (A) on the file of the learned Assistant Sessions Judge, Kuzhithurai. He was absconding for 10 years. Non Bailable Warrant was issued and he came to be arrested the petitioner pursuant to the same. The Court below dismissed the bail petition. The order passed by the Court below cannot be said to be incorrect. However, the petitioner's counsel would point out that the statement of the police that the petitioner is a habitual offender is not correct. This Court called upon the learned Government Advocate (Crl. Side) to furnish the details. It appears that apart from the case on hand, the petitioner involved in one another case in Kerala and that the same was concluded in acquittal. The petitioner's counsel gives an



undertaking that the petitioner will appear before the respondent daily at 09.00 a.m. and again 06.00 p.m. till the trial is over. He further gives an undertaking that he will not apply for relaxation or modification of the said condition for any reason.

3. Recording the undertaking given by the petitioner's counsel, 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 Assistant Sessions Judge, Kuzhithurai.

(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

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

TO

1. The Assistant Sessions Judge, Kuzhithurai.
2. The Officer Incharge, Sub Jail, Kuzhithurai.
3. The Inspector of Police,
Kollencode Police Station, Kanyakumari District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.S.C.HEROLD SINGH, Advocate Sr. No. 16202

ORDER IN
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TR/PN/SAR-IV (24.09.2019) 2P 6C