



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2020

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PRESENT

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

CRL OP(MD) . No.2120 of 2020

Regi Lal ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kaliyakavilai Police Station,
Kanyakumari District.
Crime No.409 of 2010

... Respondent/Complainant

For Petitioner : M/s.C.K.M.Appaji, Advocate.

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

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

PRAYER :-

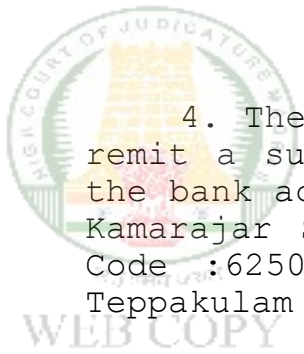
For Anticipatory Bail in Crime No.409 of 2010 on the file of the Respondent Police.

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 trail in C.C.No.175 of 2018 on the file of the learned Judicial Magistrate No.I, Kuzhithurai for the offences under Sections 353, 294(b) and 506(ii) of I.P.C. r/w. Sections 4A(1), 21(1) and 36(A) of Mines and Minerals (Development and Regulation) Act.

3. The learned Government Advocate (Crl. Side) would point out that the petitioner was facing trail along with others in C.C.No.454 of 2010. It was split up as far as the petitioner was concerned and renumbered as C.C.No.175 of 2018. It is stated that the trial has not commenced in the other case. Therefore I am of the view that both the C.Cs can be amalgamated so that single trial can be conducted. The petitioner's counsel admits that NBW was issued against on as many as three occasions sofar. The conduct of the petitioner cannot be likely viewed.



4. The petitioner gives an undertaking that the petitioner will remit a sum of Rs.5,000/- (Rupees Five Thousand Only) as costs to the bank account of the Superintendent, Government Observation Home, Kamarajar Salai, Madurai bearing Account No. 161401000024282, MICR Code :625020012, IFSC Code : IOBA0001614, Indian Overseas Bank, Teppakulam Branch, Madurai.

5. The petitioner through his counsel gives an undertaking that he will appear in all the future hearings without any default. If he is unable to appear, his counsel will represent him and file an application under Section 317 of Cr.P.C. On account of the petitioner's absence, trial will not be stalled. If this undertaking is breached, the order now passed will stand vacated automatically and the petitioner will be remanded to custody.

6. Recording the said undertaking given by the petitioner through his counsel, the petitioner is directed to appear before the Court below on the next hearing date and apply for recall of warrant. On such application being filed, the Court below shall recall the warrant at the end of the day. Non Bailable Warrant shall be kept in abeyance till then.

7. The Criminal Original petition stands disposed of, on these terms.

sd/-
13/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KALIYAKAVILAI POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SUPERINTENDENT,
GOVERNMENT OBSERVATION HOME,
KAMARAJAR SALAI, MADURAI.

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-3157[I] dated 14/02/2020)

ORDER IN
CRL OP(MD) No.2120 of 2020
Date :13/02/2020