



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.3047 of 2020

Shaju

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.551/2017

... Respondent/Complainant

For Petitioner : M/s.S.J.Chakkaravarthy,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

for bail in Crime No. 551 of 2017 on the file of the respondent police

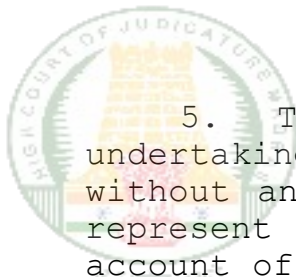
ORDER : The Court made the following order :-

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

2. The petitioner is in custody since 28.11.2019 for the offences under Section 3(1) of Tamilnadu Public Property (Prevention of Damage and Loss) Act in Crime No.551 of 2017 on the file of the respondent police. Hence, he seeks bail.

3. The petitioner is facing trial in S.C.No.125 of 2018 on the file of the learned Additional District and Sessions Court, Padmanabhapuram.

4. The learned Government Advocate (Crl. Side) states that the petitioner is absconding for almost one and half years.



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

5. Recording the said undertaking, 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 Additional District and Sessions Court, Padmanabhapuram.

(ii) on breach of any of the aforesaid condition, 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/-
20/02/2020

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

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PADMANABHAPURAM.
2. THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.
3. THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.S.J.CHAKKARAVARTHY, Advocate (SR-3564[I]dated 20/02/2020)

ORDER IN
CRL OP(MD) No.3047 of 2020
Date :20/02/2020