



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/05/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.5402 of 2020

Rayan @ Rajan @ Godwinraj

... Petitioner/Accused No.9

Vs

State through
The Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(In Crime No.20 of 2003).

... Respondent/Complainant

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

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

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

PRAYER :-

to enlarge the petitioner on bail in Crime No.20 of 2003 in P.R.C.No.29 of 2005 on the file of the Judicial Magistrate No.II, Kuzhithurai.

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 committal proceedings in P.R.C.No.29 of 2005 on the file of the Judicial Magistrate No.II, Kuzhithurai, for the offences under Sections 341, 342, 397 and 379 r/w Section 149 of IPC.

3.In this case, there were quite a number of accused and some of them faced trial and got acquitted also.



4.The learned Government Advocate (Crl.side) states that on account of the abscondance by the petitioner, the proceedings got delayed for almost fifteen years.

5.On the other hand, the petitioner's counsel would state that the petitioner was not aware of the proceedings. Be that as it may, the petitioner through his counsel gives an undertaking that he will not abscond and that he will take part in all the future hearings without any default. Either he will appear in person or he will appear through his counsel. There won't be default on his part. On account of the petitioner's absence, the proceedings will not get delayed. It is made clear that if this undertaking given before this Court is breached, the petitioner will be visited with very severe consequence and the petitioner cannot be granted bail, if he is rearrested. The petitioner should be made aware of this condition by the counsel concerned. The petitioner also states that the sureties will be blood sureties.

6. Subject to this condition, 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 blood sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Kuzhithurai.

(ii) the petitioner will take part in all the future hearings without any default.

(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/-
21/05/2020

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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 II
KUZHITHURAI

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE SUPERINTENDENT,
CENTRAL PRISON,
POOJAPPURA,
THIRUVANANTHAPURAM DISTRICT,
KERALA STATE.

4 THE SUB INSPECTOR OF POLICE
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.5402 of 2020

Date :21/05/2020

RMI

SRS/ VR/ SAR-II/ 21.05.2020/ 3P/6C