



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

Date : 31/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7841 of 2020

Justin Raj @ Justin

... Petitioner/Sole Accused

Vs

State Rep by
The Sub Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
Cr.No. 153 of 2017..

... Respondent/Complainant

For Petitioner : Mr.M.R.Sreenivasan
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in SC.No.173 of 2018 on the file Additional Sessions
Judge, Padmanabhapuram.

ORDER : The Court made the following order :-

The petitioner/sole accused herein was secured on 05.08.2019 and remanded to judicial custody on the same day, pursuant to the Non-bailable warrant issued by the learned Additional Sessions Court, Padmanabhapuram in S.C.No.153 of 2017, for the offence under Sections 341, 294(b), 387, 506(ii) of IPC and Section 3(1) of TNPPDL Act in Crime No.153 of 2017, on the file of the respondent police, seeks bail.

2.Earlier, the petitioner was granted bail, subsequently, for non-appearance a Non-bailable Warrant was issued on 04.07.2020 and the petitioner was arrested on 05.08.2019 and remanded to judicial custody on the same day.



3.The learned counsel appearing for the petitioner submitted that the petitioner was regularly appearing before the trial Court and for only one hearing on 04.07.2019 he did not appear. Subsequently, he was arrested on 05.08.2019 within a month. Now, he is in judicial custody for nearly one year. He would further submit that the petitioner undertakes that he will appear before the trial court regularly without any default.

4.The learned Government Advocate (Crl. side) appearing for the State would submit that the petitioner is a habitual offender and 14 cases were registered against the petitioner and he deliberately failed to appear before the Trial Court. Hence, Non-bailable Warrant was issued and an execution of the same, the petitioner was arrested and thereafter released on bail and now the petitioner again absconding.

5.perused the records.

6.The Non-Bailable Warrant was issued on 04.07.2019 and he was arrested on 05.08.2019 and the petitioner is in judicial custody for nearly one year. It is seen that, so far as the antecedents of the petitioner already trial was over and in some cases, petitioner was acquitted, all in convicted cases, the period of incarceration was also over.

7.Considering the facts and circumstances of the case and also considering the fact that since the petitioner is in judicial custody for one year, this Court is inclined to grant bail to the petitioner with stringent conditions.

8.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Additional Sessions Court, Padmanabhapuram.

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner is directed to appear before the Additional Sessions Court, Padmanabhapuram on every hearing dates.

(c)the petitioner also directed to appear before the respondent police once in a month i.e., first week of every month at 10.30 a.m. until further orders;



(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

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(f) 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]**; and;

(g) if the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/07/2020

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

TO

1 THE ADDITIONAL SESSIONS COURT, PADMANABHAPURAM.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

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

+1. CC to M/S.M.R.SREENIVASAN Advocate SR.No.5850

ORDER

IN

CRL OP(MD) No.7841 of 2020

Date : 31/07/2020

MS/JC/SAR-3/03.08.2020/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>