



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

Date : 28/08/2020

PRESENT

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

CRL OP(MD) . No.9075 of 2020

PETCHIMUTHU

... PETITIONER/ACCUSED NO.1

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
ARALVOILMOZHI POLICE STATION,
KANNIYAKUMARI DISTRICT.
(CRIME NO.135/2015).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s. M.Jegadeesh Pandian,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.135 of 2015 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 27.10.2019 for the offences punishable under sections 450 and 394 of I.P.C., in Crime No.135 of 2015 on the file of the respondent police. He seeks bail.

3. The learned Government Advocate (Crl.side) pointed out that non bailable warrant was issued against the petitioner way back on 27.07.2017 and that, for more than two years, the petitioner was absconding. He also pointed that the petitioner is having two



4. The objections raised by the learned Government Advocate (Crl.side) are undoubtedly sound. But then, I have to take note of the fact that the petitioner is in custody for more than 10 months.

5. The petitioner's counsel states that after coming out on bail, the petitioner will appear every alternate day before the Inspector of Police, Athirampattinam Police Station. He also states that on all the hearing dates in future, he will appear before the Fast Track Mahila Court, Kanyakumari District in S.C.No.29 of 2016. Of-course, on the hearing dates, the petitioner herein need not appear before the Athirampattinam Police Station. This condition to appear before the Athirampattinam Police Station on a regular basis is incorporated, so that, the petitioner will be under surveillance of the local police and to ensure that the petitioner does not abscond.

5. Recording the undertaking of the petitioner, 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 learned Fast Track Mahila Court, Kanyakumari at Nagercoil.

(ii) on all the hearing dates in future, the petitioner shall appear before the Fast Track Mahila Court, Kanyakumari at Nagercoil. Of-course, on the hearing dates, the petitioner herein need not appear before the Athirampattinam Police Station. The petitioner is directed to appear before the Athirampattinam Police Station 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/-
28/08/2020

/ TRUE COPY /

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

- 1 THE JUDGE,
FAST TRACK MAHILA COURT,
KANIYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE INSPECTOR OF POLICE
ARALVOILMOZHI POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
Athiramapattinam Police Station,
THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.9075 of 2020

Date :28/08/2020

RMI

JM/VR/SAR 3/28.08.2020/3P/6C