



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

Date : 20/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.588 of 2021

Nagavelu @ Naga Arjun

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.385/2013

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

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

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

PRAYER :-

For a Bail in Crime No.385 of 2013 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 11.02.2020 for the offences punishable under Section 397 of IPC on the file of the respondent police seeks bail

2. Earlier the petitioner was arrested and released on bail. Thereafter the petitioner did not appear before the trial Court, hence Non Bailable Warrant was issued on 13.08.2019. The petitioner was arrested on execution of Non Bailable Warrant on 11.02.2020.

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates and due to his ill health he was unable to appear before the trial Court, due to which Non Bailable Warrant came to be issued and the petitioner was remanded to custody pursuant to the execution of Non Bailable Warrant on 11.02.2020.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the respondent police completed investigation in Crime No.385 of 2013 and filed final report before the learned Assistant Sessions Judge, Ramanathapuram and the same has been taken cognizance in S.C.No. 103 of 2017. On 13.08.2019 due to ill health the petitioner was unable to appear before the trial Court hence Non Bailable Warrant was issued him. Thereafter he also committed another crime and the same has been registered in Crime No.26 of 2020 for the offence under Section 397 of IPC on the file of the respondent police. Pending Non Bailable Warrant the petitioner committed another offence and subsequently he was arrested and remanded to judicial custody on 11.02.2020. So far as the petitioner is concerned he is involved in seven previous cases of similar nature. Though he was detained under Act.14 subsequently the detention order was set aside by this Court in HCP (MD) No.256 of 2020, dated 16.10.2020

5.Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner was arrested on execution of Non bailable Warrant and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the learned Assistant Session Judge Ramanathapuram daily at 10.30 a.m for a period of two months and thereafter every Monday at 10.30 a.m., until further orders, except the days when his presence is required before the other courts.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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 *Pradeep Kumar vs. State of Kerala* [(2005)AIR SCW 5560].



vi) If the petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/01/2021

WEB COPY

/ TRUE COPY /

/ /2021

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.

TO

- 1.THE JUDICIAL MAGISTRATE No.II,
RAMANATHAPURAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE ASSISTANT SESSION JUDGE,
RAMANATHAPURAM.

ORDER
IN
CRL OP(MD) No.588 of 2021
Date :20/01/2021

AAV
TK/VR/SAR.1/20.01.2021/3P/7C