



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3793 of 2021

Remo @ Nagaraj

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
P.R.C.No.09 of 2016..

... Respondent/Complainant

For Petitioner : M/s.Balamurugapandi D,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in P.R.C.No.09 of 2016 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 was arrested and remanded to Judicial Custody on 08.11.2020 for the offences punishable under sections 341, 323, 324, 302 and 120(b) r/w. 34 of I.P.C. in P.R.C.No.9 of 2016, on the file of the Judicial Magistrate, Rameswaram. Hence, he seeks bail.

3.The learned counsel for the petitioner would submit that the petitioner was regularly appearing before the trial Court personally or through his counsel on all hearing dates. Since the petitioner's mother was ill on 22.03.2019, the petitioner was not able to appear before the trial court and failed to inform to his counsel to file a

<https://hsevtcstcdm.gov.in/csevtcstcdm>



issued. He would also submit that the petitioner is a coolie and he has to travel to some other place for work.

4.The learned Additional Public Prosecutor would submit that there are totally six accused in this case and the petitioner herein is arrayed as A3. The crime is of the year 2014, investigation has been completed and charge sheet is filed and the same is pending committal in PRC No.9 of 2016 on the file of the learned Judicial Magistrate, Rameswaram. The accused one after another absenting themselves and dragging the proceedings successfully for nearly five years and thereby the case is yet to be committed. He further submitted that the first Non Bailable Warrant was issued on 17.03.2017 and recalled on 26.07.2017, second Non Bailable Warrant was issued on 14.12.2017 and recalled on 23.03.2018, third Non Bailable Warrant was issued on 22.10.2018 and the petitioner was secured. Further this is the fourth Non Bailable Warrant. He would also submit that the case is posted for committal on 24.03.2021. He further submits that since some of the accused did not appear on that date, the committal proceeding is pending.

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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rameswaram, Ramanathapuram District.

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 Committal Court daily at 10.30 a.m., until further orders and on all hearing dates with out fail.

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 *Govindarajan P. 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/-
26/03/2021

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

IAS

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,
RAMESWARAM, RAMANATHAPURAM DISTRICT
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT JAI, RAMANATHAPURAM.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.D.BALAMURUGAPANDI, Advocate SR.No.2595

ORDER
IN
CRL OP(MD) No.3793 of 2021
Date :26/03/2021

NR/VR/SAR-IV(26.03.2021) 3P:7C