



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

Date : **29/04/2021**

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD). No.6157 of 2021

Vasanth @ Velappan

... Petitioner/Accused

Vs

The represented by
The Inspector of Police,
Boothapnadi Police Station,
Kanyakumari District.
(Cr.No. 9 of 2016).

... Respondent/Complainant

For Petitioner : Mr.Anbarasu.S.R.,
Advocate.

For Respondent : Mr.M.Ganesan
Government Advocate (Crl.Side)

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

PRAYER :-

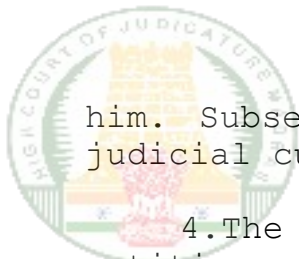
For Bail in Crime No.9 of 2016 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested on 13.01.2021 for the offence punishable under Sections 294(b), 506 (ii) and 387 of IPC, and Section 3(1) of TNPPDL Act in Crime No.9 of 2016 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

3.It is seen from the submissions made that the petitioner is the accused in S.C.No.248 of 2016 pending on the file of the learned Principal District and Sessions Judge, Kanyakumari District at Nagercoil. The petitioner did not appear before the trial Court on 22.01.2020 and therefore, a Non-Bailable Warrant was issued against



him. Subsequently, he was arrested on 13.01.2021 and remanded to judicial custody.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is in judicial custody from 13.01.2021. He would further submit that the petitioner was absent for only one hearing and hence he may be granted bail.

5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the case is pending on the file of the learned Principal District and Sessions Judge, Kanyakumari District at Nagercoil.

6.Taking into consideration the facts and circumstances of the case and the fact that the petitioner was absent only for one hearing, this Court is inclined to grant bail to the petitioner. Taking note of the fact that this case is pending from 2016, this Court directs the petitioner to appear before the learned Principal District and Sessions Judge, Kanyakumari District at Nagercoil on the first working day of every month until disposal of the case.

7. 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, Boothapandy, and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e]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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/04/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE JUDICIAL MAGISTRATE, BOOTHAPANDY.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE OFFICER IN-CHARGE,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 5 THE INSPECTOR OF POLICE
BOOTHAPNADI POLICE STATION, KANYAKUMARI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6157 of 2021
Date :29/04/2021

SM
AM/VR/SAR 4/29/04/2021/3P/7C