



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3640 of 2022

Vasanth @ Velappan

... Petitioner/Accused No.4

Vs

The State represented by
The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.
(Crime No.296 of 2014).

... Respondent/Complainant

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

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor.

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

PRAYER :- For Bail in S.C.No.158 of 2017 on the file of the learned Additional Sessions Judge (Fast Track Court), Kanyakumari District at Nagercoil.

ORDER : The Court made the following order :-

When the matter is taken up for hearing today under the caption "for clarification".

2.The petitioner/A4 is facing a case for the offence punishable under Section 147, 148, 149, 341, 120(B) and 302 of IPC in S.C.No.158 of 2017 on the file of the learned Additional Sessions Judge (Fast Track Court), Kanyakumari District at Nagercoil in crime No.296 of 2014 on the file of the respondent police, seeks bail.

3.The case of the prosecution is that on 16.06.2014, the accused persons assaulted the defacto complainant's husband, Meenakshi Sundaram and due to the injuries, he died on the spot. Hence, the complaint.

4.It is not in dispute that since the petitioner has not turned up for the hearing on 17.02.2021, Non-Bailable Warrant (NBW) was ordered to be issued and that warrant was executed on 16.09.2021 and he is still in custody.



5.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

6.The learned Additional Public Prosecutor would submit that the petitioner is having eight previous cases, which includes two murder cases and that one case is posted for judgment. He would further submit that all the other cases, the petitioner was released on bail.

7.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 16.09.2021 and that the case is pending for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Judge (Fast Track Court), Kanyakumari District at Nagercoil.

(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 trial Court on all working days at 10.30 a.m., until further orders;

(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 ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

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

sd/-

28/02/2022

/ TRUE COPY /

28/02/2022

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 ADDITIONAL SESSIONS JUDGE
(FAST TRACK COURT) KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE OFFICER INCHARGE
SUB JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.3640 of 2022

Date :28/02/2022

SA/VR/SAR.2/28.02.2022/3P/5C