



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5014 of 2022

Kumaresan

... Petitioner/Accused

Vs

The State rep.by
The Sub-Inspector of Police,
Thuckalay Police Station,
Rep.by.P.P.Nagercoil.
Kanyakumari District.
(Crime No.1185 of 2002).

... Respondent/Complainant

For Petitioner : Mr.G.CENIL,
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 connection with the case in S.C.No.339 of 2016 before the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crime No.1185 of 2002 on the file of the Respondent Police.

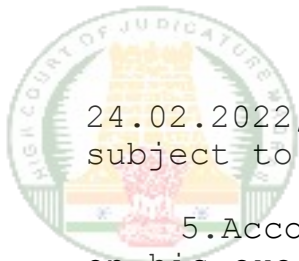
ORDER : The Court made the following order :-

The petitioner/accused is facing a case for the offences punishable under Sections 147, 148, 447, 427 and 506(2) IPC and Section 3(1) of TNPPDL Act, on the file of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, in Crime No.1185 of 2002, on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner would submit that since warrant was pending as against the petitioner and three others, the case was ordered to be split up in S.C.No.339 of 2016 and in the main case, after trial, 19 accused were already ordered to be acquitted. He would further submit that as per the directions of this Court in Crl.O.P.(MD)No.2691 of 2022, the petitioner surrendered before the concerned Court and accepting the surrender, he was remanded to judicial custody on 24.02.2022 and is still in custody.

3.The learned Additional Public Prosecutor would submit that the petitioner is in judicial custody from 24.02.2022.

4.Considering the above facts and also the facts that the original case as against 19 accused were already ordered to be acquitted and that the petitioner is in judicial custody from



24.02.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

5. 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 Judicial Magistrate Court I, Thuckalay.

(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 daily at 10.30 a.m., on all working days 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/-

17/03/2022

/ TRUE COPY /

17/03/2022

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 JUDICIAL MAGISTRATE COURT NO.I,
THUCKALAY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

<https://hcservices.ecourts.gov.in/hcservices/>



3 PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE SUB-INSPECTOR OF POLICE,
THUCKALAY POLICE STATION, KANYAKUMARI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE PUBLIC PROSECUTOR,
NAGERCOIL.

+1. CC to M/S.CENIL.G Advocate SR.No.2124

ORDER IN

CRL OP(MD) No.5014 of 2022

Date :17/03/2022

SA/PN/SAR.4/17.03.2022/3P/9C