



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

Date : 18/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5927 of 2022

Vel Kannan @ Kannan @ Kundukannan ... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Naguneri Police Station,
Tirunelveli District
(Crime No. 245 of 2008).

... Respondent/Complainant

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

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in Crime No.245 of 2008 on the file of the respondent police in P.R.C.No.12 of 2010 on the file of the learned Judicial Magistrate Court, Vallioor.

ORDER : The Court made the following order :-

The petitioner/A1 is facing a case for the offence punishable under Sections 397 r/w 34 of IPC in P.R.C.No.12 of 2010 on the file of the learned Judicial Magistrate, Vallioor in Crime No.245 of 2008, on the file of the respondent police, seeks bail.

2.It is not in dispute that since the petitioner has not turned up for the hearing on 12.10.2011, Non-Bailable Warrant (NBW) was ordered to be issued and that warrant was executed on 31.01.2022 and he is still in custody.

3.The learned counsel for the petitioner would submit that the petitioner went to Kerala for his job, that in the meanwhile, his counsel had expired and he was not having any knowledge about the hearing dates.



4.The learned Additional Public Prosecutor would submit that the petitioner is having four previous cases, but he is not having any other cases after 2009.

5.Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 31.01.2022, that he is not having any previous case after 2009 and that the case is pending for committal, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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, Vallioor.

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

(ii)the petitioner shall report before the Committal 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/Committal 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/Committal 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/-
18/04/2022

/ TRUE COPY /

20/04/2022
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,
VALLIOOR.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4. THE INSPECTOR OF POLICE,
NAGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-3454[I] dated
18/04/2022)

ORDER

IN

CRL OP(MD) No.5927 of 2022

Date :18/04/2022

sj i

USK/PN/SAR-IV/20.04.2022/3P/7C