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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.10813 of 2022

Anil Kumar

... Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
Kollencode Police Station,
Kanyakumari District.
Crime No.230 of 2010.

... Respondent/Complainant

For Petitioner : Mr.P.M.Vishnuvarthanan,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.230 of 2010 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested on 02.05.2022, in pursuant to NBW issued by the learned Additional District Judge, Kuzhithurai in SC No.167 of 2013, connected in Crime No.230 of 2010, on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that because of non appearance of the petitioner, the learned Additional District Judge, Kuzhithurai has issued non-bailable warrant against the petitioner. The petitioner is in custody from 02.05.2022. The petitioner is seeking bail on the ground that the petitioner went to go abroad during the pendency of trial. The passport of the petitioner has not been deposited.

3.In this regard, this Court called for a report from the trial Court. It is seen from the report that two bail applications filed by the petitioner were dismissed by the trial Court.



5.Considering the above facts and period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed with direction to the petitioner to surrender copy of his Passport before the trial Court, who, in turn, forward the same to the respondent Police for taking steps to transfer to the Immigration Department and on such compliance, the petitioner is ordered to be released on bail, on executing a personal 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 Additional District Judge, Kuzhithurai, and on further condition that the petitioner shall also file an undertaking affidavit before the trial Court that he will not leave the country without the permission of the Court, co-operate with the investigating agency to complete the trial and that the petitioner shall appear before the trial Court on all working days at 10.30AM, until further orders.

sd/-
15/07/2022

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15/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
KUZHITHURAI
 - 2 THE INSPECTOR OF POLICE
KOLLENCODE POLICE STATION, KANYAKUMARI DISTRICT.
 - 3 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.P.M.VISHNUVARTHANAN Advocate SR.No.7215.

ORDER
IN
CRL OP(MD) No.10813 of 2022
Date :15/07/2022

PNM
MK/VR/SAR.I/15.07.2022/2P/6C