



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2804 of 2023

Kapoor Majith @ Chinna Kapoor

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.145 of 2011..

... Respondent/Complainant

For Petitioner : M/s.Mohideen Basha.N,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

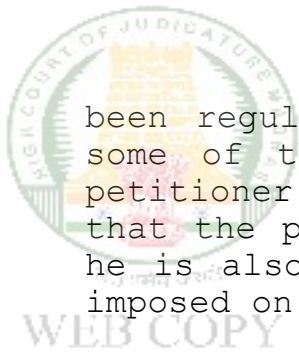
PRAYER :-

To enlarge the petitioner/1st accused on bail in S.C.No.330 of 2019 on the file of the learned III Additional District and Sessions Judge,Tirunelveli and thus render justice.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 14.12.2022 pursuant to the execution of Non Bailable Warrant for the offences under sections 120(b),109,294(b), 302,307,201 of IPC r/w.34 of IPC in Crime No.145 of 2011 on the file of the respondent police seeks bail.

2. The learned counsel appearing for the petitioner would submit that petitioner as A1 is facing trial in S.C. No.330 of 2019 on the file of the III Additional District and Sessions Judge, Tirunelveli. He would further submit that on 14.12.2022 the petitioner has gone to Court and due to mis-communication the petitioner was unable to appear before the court and he was arrested in the court campus. He would further submit that the petitioner has



been regularly appearing before the court and later in re of some of the accused absconding the case was split up and the petitioner is not responsible for the delay. He would further submit that the petitioner is ready to furnish blood related sureties and he is also ready to abide by any stringent conditions that may be imposed on him by this Court, hence he seeks bail.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a habitual offender and against him five previous are pending. He would further submit that the petitioner did not appear before the trial Court on 14.12.2022, pursuant to which Non Bailable Warrant was issued and the petitioner was secured on 14.12.2022 from his residence on the same day. He would further submit that the case is of the year 2011 and there are nine accused in this case and the accused are taking turns one after another thereby derailing the progress of trial and the case was split up against some of the accused. He would further submit that originally the case was split up as against A4 and A6 in S.C. No.191 of 2021 and since A4 absconded the case was once again split up into S.C. No.614 of 2022. He would further submit that charges have been framed in this case and two witnesses have been examined in this case, hence he objected to grant bail to the petitioner.

4. Heard. Perused the materials available on record including the First Information Report.

5. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, Tirunelveli and on further conditions that:

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

[c] the petitioner shall report before the learned III Additional District and Sessions Judge, Tirunelveli on all working days at 10.30 A.M., for a period of two weeks and thereafter on the date fixed by the learned Sessions Judge.

[d] the petitioner shall not commit any offences of similar nature.



[e] the petitioner shall not abscond either during trial

[f] the petitioner shall not tamper with evidence or witness during trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-

15/02/2023

/ TRUE COPY /

15/02/2023

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

AAV

TO

1.THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI.

2 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

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

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-2345[I] dated
15/02/2023)

ORDER

IN

CRL OP(MD) No.2804 of 2023

Date :15/02/2023

RK/SSS/SAR- (15/02/2023) 3P/6C

<https://www.mhc.tn.gov.in/judis>