



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15839 of 2023

Vanumamalai

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Nanguneri Police Station,
Nanguneri,
Tirunelveli District.
(Crime No.112 of 2010).

... Respondent/Complainant

For Petitioner : M/s.Pragalathan.N,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.112 of 2010 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1 herein was arrested and remanded to judicial custody on



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02.02.2023 for the alleged offence under Sections 147, 148, 120(B), 427 of IPC and Section 3 of TNPPDL Act in Crime No.112 of 2010 (S.C. No.703 of 2017 before the I Additional District and Sessions Court, Tirunelveli) on the file of the respondent police seeks bail.

2. Earlier the petitioner was arrested and released on bail. Thereafter the petitioner did not appear before the trial Court , hence Non Bailable Warrant was issued on 18.04.2022. The petitioner was arrested on execution of Non Bailable Warrant on 02.02.2023.

3.The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody in Crime No. 79 of 2022 by the Kalakad Police and he was in custody from 26.03.2022, hence he was unable to appear before the trial Court on 18.04.2022 due to which Non Bailable Warrant came to be issued and the petitioner was remanded to custody pursuant to the execution of Non Bailable Warrant on 02.02.2023.

4. The learned Additional Public Prosecutor opposing the bail petition would submit that the petitioner is absconding for nearly nine months and with much difficulty the respondent police secured the petitioner. Further, if the petitioner is released on bail, he may abscond again and the trial will be stalled.

5. Heard both side and perused the materials available on record.



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6. Considering the rival submissions on either side and considering the fact that while the petitioner was in judicial custody in another case Non Bailable Warrant was issued and though several cases are pending against the petitioner he was released on bail in those cases and considering the period of incarceration and all other aspects 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the I Additional District and Sessions Court, Tirunelveli and on further conditions that:

[b] the petitioner shall report before the trial Court on all working days 10.30 am., until further orders.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in



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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].

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

sd/-
31/08/2023

/ TRUE COPY /

31/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-12984[I] dated 31/08/2023)

ORDER
IN
CRL OP(MD) No.15839 of 2023
Date :31/08/2023

SS/DD/31/08/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023