



CRL OP(MD). No.655 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.655 of 2024

Arikandan @ Kannan @ Gim Kannan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
Crime No.300 of 2014.

... Respondent/Complainant

For Petitioner : Mr.A.Mohamed Haneef, Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in S.C.No.839 of 2023 pending on the file of the learned IV Additional Sessions Judge, Tirunelveli in Crime No.300 of 2014 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who is facing trial for the offence punishable under Sections 147, 148, 341, 294(b), 120B, 302 and 506(ii) of I.P.C. in S.C.No.839 of 2023 pending on the file of the learned IV Additional Sessions Judge, Tirunelveli in Crime No.300 of 2014, seeks bail.



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2. The case of the prosecution is that due to his absence, the learned IV Additional Sessions Judge, Tirunveli, has issued NBW to the petitioner herein.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was unable to appear before the concerned Court and pursuant to the non bailable warrant issued, he was arrested and remanded to judicial custody on 20.10.2023. He would further submit that the petitioner is willing to abide by any conditions imposed by this Court and accordingly, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that if bail is granted to the petitioner, the trial will not be proceed further. He would further submit that the investigation in this case is completed and charge sheet has also been filed before the concerned Court. He would further submit that there are seven previous cases pending against the petitioner and accordingly, he prays for dismissal of this petition.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned IV Additional Sessions Judge, Tirunelveli and on further conditions that:

(a) 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;

(b) the petitioner is directed to appear before the trial Court for each and every hearing dates, failing which, the bail granted by this Court shall stand automatically cancelled;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]; and;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
12/01/2024

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12/01/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

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

+1 CC to M/s.A.MOHAMED HANEEF, Advocate (SR-704[I] dated 12/01/2024)

ORDER IN
CRL OP(MD) No.655 of 2024
Date :12/01/2024

RS//SAR-(12.01.2024) 4P 6C

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