



CRL OP(MD). No.907 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.907 of 2024

Christopher

... Petitioner/ Accused No.1

Vs

State represented by
The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
Crime No.560 of 2013.

... Respondent/ Complainant

For Petitioner : Mr.Sivabalan, Advocate for
for M/s.Aravinthan.G, 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 Crime No. 560 of 2013 on the file of the respondent police in connection with C.C.No.113 of 2014, pending on the file of the learned Judicial Magistrate Court, Eraniel, Kanyakumari District.

ORDER : The Court made the following order :-



CRL OP(MD). No.907 of 2024

WEB COPY

The petitioner / A1, who was arrested and remanded to judicial custody on 26.12.2023 on execution of Non-Bailable Warrant issued by the Judicial Magistrate Court, Eraniel, Kanyakumari District, for the offences punishable under Sections 294 (b), 323, 325 & 506(ii) of IPC in C.C.No.560 of 2013, seeks bail.

2. The petitioner was absent during the trial in C.C.No.113 of 2014 pending on the file of the Judicial Magistrate Court, Eraniel, Kanyakumari District. Thereby, Non Bailable Warrant came to be issued on 13.09.2023. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 26.12.2023.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. The petitioner has appeared before the Court regularly. Thereafter, due to his employment, the petitioner shifted his residence to Kerala and the progress of the case was not intimated to him. When the petitioner returned to his native place, the respondent police executed the non bailable warrant on 26.12.2023. From onwards, he is in custody. The learned counsel undertakes that the petitioner shall appear before the court below regularly on all future hearing dates without fail. Hence, he prays for grant of bail to the petitioner.



CRL OP(MD). No.907 of 2024

WEB COPY

4. Heard the learned Additional Public Prosecutor appearing for the State would submit that due to the non-appearance of the petitioner, Non Bailable Warrant was issued against the petitioner on 13.09.2023 and the same was executed on 26.12.2023. On earlier occasion, the petitioner filed a bail petition before the learned Judicial Magistrate, Eraniel and on 28.12.2023, the same was dismissed on the ground that the petitioner did not co-operate for investigation. Hence, he vehemently, opposed to grant bail to the petitioner.

5. Considering the period of incarceration and also considering the undertaking given by the petitioner that the petitioner shall appear before the court below regularly on all future hearing dates without fail, this Court is inclined to grant bail to the petitioner.

6. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Judicial Magistrate Court, Eraniel, Kanyakumari District, and on further condition 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

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CRL OP(MD). No.907 of 2024

Book to ensure their identity;

(b) the petitioner is directed to appear before the Judicial Magistrate Court, Eraniel, Kanyakumari District, on each and every hearing date, failing which, the bail granted to the petitioner by this Court shall stand automatically vacated.

(c) the petitioner shall report before the trial court daily at 10.30 a.m until the case is committed to the Court of sessions;

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

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

(f) 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;

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

Section 229-A IPC.

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CRL OP(MD). No.907 of 2024

6. The Judicial Magistrate Court, Eraniel, Kanyakumari District, is directed to complete the trial in C.C.No.113 of 2014 within a period of 2 months from the date of receipt of a copy of this order.

sd/-
22/01/2024

/ TRUE COPY /

22/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

- 1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON, NAGERCOIL AT KANYAKUMARI.



CRL OP(MD). No.907 of 2024

WEB COPY

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

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-889[I] dated 22/01/2024)

ORDER
IN
CRL OP(MD) No.907 of 2024
Date :22/01/2024

PKP/22.01.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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