



CRL OP(MD). No.2111 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Arikandan @ Kannan @ Gim Kannan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Eathamozhy Police Station,
Tirunelveli District.
Crime No.202 of 2016..

... Respondent/Complainant

For Petitioner : Mr.A.Mohamedhaneef,
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.31 of 2024, pending on the file of the learned Principal Sessions Judge, Kaniyakumari District at Nagercoil in Crime No. 202 of 2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who is facing trial for the offences punishable under Sections 294(b), 307, 341, 427 and 506 (ii) IPC in S.C.No.31 of 2024,



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pending on the file of the learned Principal Sessions Judge, Kaniyakumari District at Nagercoil in Crime No. 202 of 2016, seeks bail.

2. The case of the prosecution is that due to his absence, the learned Principal Sessions Judge, Kaniyakumari District at Nagercoil, 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 not committed any such offence as alleged by the prosecution. He would further submit due to his non-appearance, Non Bailable Warrant has been issued against the petitioner on 24.03.2021 and the petitioner was secured on 15.12.2023. He would further submit that the petitioner is in judicial custody for more than two months. He would further submit that the petitioner has been granted bail in yet another case by this Court in CrI.O.P.(MD). No.655 of 2024 on 12.01.2024. He would further submit that the petitioner is ready to appear before the trial Court every day till the disposal of the case and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally, there are seven previous cases pending against the petitioner and accordingly, he prays for dismissal of this petition.



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5. Heard the learned counsel on either side.

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6. It appears that the petitioner was unable to appear before the concerned Court and pursuant to the non bailable warrant, he was arrested and remanded to judicial custody on 15.12.2023.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioner has voluntarily come forward to co-operate with the trial and also considering the fact that the petitioner is ready to appear before the trial Court for every day till the disposal of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

8. 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 Principal Sessions Judge, Kaniyakumari District at Nagercoil** 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;



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(b) the petitioner is directed to appear before the concerned trial Court for every day till the disposal of the case in S.C.No.31 of 2024, 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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/02/2024

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20/02/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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TO **श्री जस्टिस**

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- 1 THE PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE INSPECTOR OF POLICE
EATHAMOZHY POLICE STATION,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO Mr.A.Mohamedhaneef, ADVOCATE IN SR No.2220 dated 22/02/2024

ORDER
IN

CRL OP(MD) No.2111 of 2024
Date :20/02/2024

SS/SAR- /20/02/2024/5P/6C

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