



CRL OP(MD). No.4764 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.03.2024

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

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Krishnan

... Petitioner/ A1

Vs

The Sub-Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.
Crime No.433 of 2012

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner/accused on bail in connection with the case in C.C.No.171 of 2015 on the file of the learned Judicial Magistrate Court, Eraniel, Kanyakumari District in Crime No.433 of 2012 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who is facing trial for the offence punishable under



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Sections 294(b), 326 and 324 r/w 34 of IP, in C.C.No.171 of 2015 on the file of the Judicial Magistrate Court, Eraniel, Kanyakumari District, in Crime No.433 of 2012 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the case is of the year 2012. 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 20.05.2022 and pursuant to which, the petitioner was arrested on 09.12.2023.

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 due to the death of his father, he 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 09.12.2023. 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 apart from this case, there are six previous cases pending



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against the petitioner and if the petitioner is enlarged on bail, there will be no progress in the trial. Hence, he vehemently opposed for grant of bail to the petitioner.

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:

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 Judicial Magistrate Court, Eraniel, Kanyakumari District**, 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 trial Court on all hearing dates without fail;

(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/-
26/03/2024

/ TRUE COPY /

26/03/2024
Sub-Assistant Registrar (Writs)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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TO
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- 1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE
ERANIEL POLICE STATION, ERANIEL, KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL, KANNIYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-3704[I] dated 26/03/2024)

ORDER
IN

CRL OP(MD) No.4764 of 2024

Date :26/03/2024

SS/SAR- /26/03/2024/5P/7C

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