



CRL OP(MD). No.15301 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15301 of 2024

Vijaya Kumar @ Kuttan

... Petitioner/ A-4

Vs

The Inspector of Police,
Nithiravilai Police Station,
Kanniyakumari District,
Crime No.228/2005.

... Respondent/Complainant

For Petitioner : Mr.M.Dhinesh Kumar,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.228/2005 on the file of the respondent police



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ORDER: The Court made the following order :-

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The petitioner/A1, who is arrested and remanded to judicial custody on 04.08.2024 for the offence punishable under Sections 376 and 363 r/w. Section 34 of IPC,, in S.C.No.56 of 2006 in connection with Crime No.228 of 2005 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 24.07.2024, the learned Judge, Fast Track Mahila Court, Nagercoil, issued Non-bailable Warrant as against the petitioner and subsequently, the petitioner was arrested on 04.08.2024.

3.Heard the learned counsel on either side and perused the material records of the case.

4.It is seen that the case is of the year 2006, if the other accused is absconding for long, the trial Court can also consider by splitting the case and proceed the case against with the present petitioner in accordance with law.

5.Considering the fact that the petitioner was regularly attending the case and only for one hearing i.e., on 24.07.2024, the petitioner was absent, hence, the Non-



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bailable Warrant was issued and he was arrested on 04.08.2024, and also considering the fact the petitioner is in judicial custody from 04.08.2024, I am inclined to enlarge the petitioner on bail with certain conditions.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judge, Fast Track Mahila Court, Nagercoil.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the trial Court on all the hearing dates without fail;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial.



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v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/09/2024

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11/09/2024
Sub-Assistant Registrar (Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

jbr

TO

1. The Judge, Fast Track Mahila Court,
Nagercoil.
2. The Superintendent, District Jail,
Nagercoil.
3. The Inspector of Police,
Nithiravilai Police Station,
Kanniyakumari District,

<https://www.mhc.tn.gov.in/judis>



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.DHINESH KUMAR, Advocate (SR-11145[I] dated 11/09/2024)

ORDER
IN
CRL OP(MD) No.15301 of 2024
Date : 11.09.2024

KB -(11.09.2024) 5P/ 6C

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