

In the Court of the V Additional District Judge, Madurai

Present: **Thiru M.Balakumar, B.A., M.L.,**
V Additional District Judge, Madurai

Friday the 18th day of September 2020

Cri.M.P.Nos.333/2020 in SC No.475/2019

Rajini @ Kathirvel @ Kathirvelan
Son of Pitchai

-- Petitioner / Accused

/ Vs /

State through the Inspector of Police,
Sellur police station in crime no.616/2013 -- Respondent/Complainant

This petition was taken up today for hearing at request through e-mail / e-petition and after hearing the arguments of Thiru C.Karthikeya, Advocate for the petitioner and of Thiru S.Ramesh, the Addl. Public Prosecutor for the State over conference call, this court passed the following

ORDER

1. Bail application u/s 439 of Cr.p.c.
2. The offences alleged is 302 r/w 34 IPC
3. The learned counsel for the petitioner stated in the petition that a case has been registered against the petitioner/ accused in Sellur police station crime no.616/2013 u/s 302 r/w 34 IPC. The petitioner was arrayed as A1 in SC 404/16. Charge sheet has been filed and investigation has been completed and case was committed to this court. In the mean time the petitioner was failed to attend the hearing on 16.7.2019 due to illness. Subsequently NBW was issued against this petitioner. Then on 15.11.19 this court has splitted the case against this petitioner as SC No.475/2019 and the petitioner was produced upon NBW before this court on 26.1.2020

and was remanded to judicial custody on 26.1.2020 and he is in custody for the past 170 days. Due to the illness, the accused was absent for the hearing before this court. His absence is neither wilful nor wanton. Further this is the second bail application and he would appear before this court for the upcoming hearings. He further stated in the petition that his parents are suffering from illness and he has to take care of them and hence prayed to enlarge him on bail.

4. Per contra the learned Addl. Public prosecutor submitted in the reply that the case was committed to this court and is pending in SC No.404/16. Whiles, the petitioner failed to appear for the hearing before this court and hence NBW was issued and hence as per the proceedings of the Principal District Judge, Madurai, dt.15.11.19 the case against this petitioner was splitted up from SC 404/16 and was numbered as SC 475/19 and it is pending before this court. Now in this case, PW1 to PW5 have been examined and the case was posted for examination of further Pws. The petitioner was already released on bail in Crmp No.213/2019 on 11.6.19 with condition to appear before this court on every friday at 10 a.m. until further orders. This is the petition one as jumped out of bail. Further the petitioner was produced on NBW before this court on 26.1.2020 and was remanded to judicial custody on that day itself and he is in custody for 170 days. If bail is granted, he would definitely hamper the witnesses and tamper the prosecution and would indulge in similar type of crimes and strongly objected to grant bail to the petitioner.

5. Heard both side.

6. On hearing both sides, and upon perusal of records it is seen that the petitioner is in custody for a long period of 236 days. Considering the long

period of incarceration, this court is inclined to grant bail to this petitioner with the following conditions :

The petitioner shall execute a bond for Rs.10,000/- before the Superintendent of Central Prison, Madurai and after 6 weeks from the date of release, the petitioner shall execute a bond for Rs.10,000/- with two sureties each alike nature provided, out of the two sureties, one surety from the blood relative of the accused and in addition to that the sureties have to produce the copy of the document which relied by them to submit as a security. The two sureties should produce the permanent address proof like xerox copy of the voter ID card or Aadhar card. Further the accused should appear and sign before the respondent police station daily at 10.30 a.m. until further orders,

That the Petitioner/Accused shall not tamper with the witnesses of the prosecution and

That the petitioner/Accused shall not abscond and shall not leave India without prior permission of this court.

If any of the above conditions are violated, this court is at liberty to cancel the bail as per the guidelines of the Hon'ble Apex Court in P.K. Shaji Vs. State of Kerala.

Accordingly , the bail application is allowed.

Pronounced by me this the 18th day of September 2020.

V Addl.District Judge, Madurai.

Copy to

1. The Inspector of Police, Sellur Police Station
2. The Superintendent, Central Prison, Madurai
3. The petitioner through his counsel