



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

Tuesday, the Twenty Fourth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4422 of 2015

VIJU RAJ

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO.431 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.R.SREENIVASAN, Advocate

For Respondent : M/S.P.KANDASAMY, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

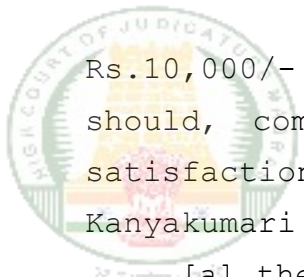
The petitioner, who was arrested and remanded to judicial custody on 27.12.2014, for the offence punishable under Sections 294(b) 307 IPC and Section 4 of TNPHW Act, in Crime No.431 of 2014, on the file of the respondent police, seeks bail.

2. This is a second application for bail and the first application for bail was dismissed by this Court on 02.02.2015, by a well considered order.

3. The case of the prosecution is that on 26.12.2014, around 08.00 PM, the petitioner abused the *de facto* complainant and cut her on the head, just above the right ear and caused injury to her. This petitioner was arrested on 27.12.2014 and he is in incarceration since then. It is represented by the learned Government Advocate (Criminal Side) that injured has been discharged from the hospital. It is also represented that investigation has also been completed and final report has been filed.

4. It is also seen that this petitioner is an accused in a case relating to rape of the daughter of the *de facto* complainant. In the said case, the *de facto* complainant has given evidence and some of the witnesses have also been examined by the prosecution.

5. In such circumstances, this Court is of the view that this is a fit case to grant bail to the petitioner. 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 which one should, compulsorily, be either parent, each for a like sum to the satisfaction of the learned Judicial Magistrate, No.II, Kuzhithurai, Kanyakumari District and on further condition that:

[a] the petitioner shall report before the respondent police daily at 6.30 p.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

sd/-
24/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI, KANYAKUMARI DISTRICT.
 - 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI @ NAGERCOIL.
 - 3 THE INSPECTOR OF POLICE, NITHIRAVILAI POLICE STATION, KANYAKUMARI DISTRICT.
 - 4 THE OFFICER IN-CHARGE, DISTRICT JAIL, NAGERCOIL, KANYAKUMARI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.R.SREENIVASAN, Advocate SR.No.14340.

ORDER IN
CRL OP(MD) No.4422 of 2015
Date :24/03/2015

msm 25.03.2015 p2/7c