



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

Wednesday, the Eleventh day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.4538,4592 and 4593 of 2015

WEB COPY

RENJITH SMILE

... PETITIONER/ACCUSED NO.2
IN CRL OP(MD).No.4538 of 2015

R.RAGHUL

... PETITIONER/ACCUSED NO.3
IN CRL OP(MD).No.4592 of 2015

SAMEER

... PETITIONER/ACCUSED NO.1
IN CRL OP(MD).No.4593 of 2015

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
VADASERY POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT,
CRIME NO.186/2015

... RESPONDENT/COMPLAINANT
IN ALL THE PETITIONS

For Petitioner : M/S.L.GEORGE PAUL ANTO Advocate
IN CRL OP(MD).No.4538 of 2015

For Petitioner : M/S.UDHAYA LAW ASSOCIATES
IN CRL OP(MD).No.4592 of 2015

For Petitioner : M/S.S.RAMASAMY
IN CRL OP(MD).No.4593 of 2015

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)
IN ALL THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 26.02.2015 and 25.02.2015 respectively for the offences punishable under Sections 341, 294(b), 324, 307 and 506(ii) IPC in Crime No.186 of 2015 on the file of the respondent police, seek bail.

2. It was represented before this Court that the de-facto complainant in this case is a practising lawyer of the local Bar and therefore, the local Bar members had passed a resolution that no one should appear for the accused in this case. Therefore, this Court



granted special permission to the petitioners to file these applications even without moving the Court below.

3. Heard the learned counsels for the petitioners and the learned Government Advocate (Crl. Side) for the State.

4. Learned Government Advocate (Crl. Side) submits that the injured has been discharged from the hospital and there is no previous case against these petitioners and there is also a counter case in Crime No.185 of 2015 under Sections 307 IPC. Under such circumstances, bail is granted to the petitioners, but with conditions.

4. The learned counsel for the petitioners submitted that FIR in this case is pending before the learned Judicial Magistrate, No.II, Nagercoil and since the local Bar has passed a resolution that no one should appear for the petitioners, the petitioners would find it difficult to furnish sureties. Accepting the submissions, this Court directs the learned Judicial Magistrate, Valliyoor to accept the sureties and thereafter transmit the original bail bond and other papers to the concerned Court, after retaining a photo copy of the same.

5. Accordingly, the petitioners are ordered to be released on bail on their 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, Valliyoor, and on further condition that:

[a] the petitioners shall report before the respondent police as and when required for interrogation.

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

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-

11/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE, NO.II, NAGERCOIL

2 THE JUDICIAL MAGISTRATE, VALLIYOOR

3 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL

4 THE INSPECTOR OF POLICE VADASERY POLICE STATION, NAGERCOIL,
KANYAKUMARI DT,

5 THE OFFICER-IN-CHARGE DISTRICT JAIL, NAGERCOIL

6 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.L.GEORGE PAUL ANTO Advocate SR.No.11595

+1 CC TO M/S.UDHAYA LAW ASSOCIATES SR.NO.11795

+1 CC TO M/S.S.RAMASAMY, ADVOCATE SR.NO.11667

ORDER

IN

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Date :11/03/2015

NA/11/03/2015/P3/10C