



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4098 of 2018

CHARLIN M

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SOUTH THAMARAikulam POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.37 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.R.MURALI Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, was surrendered before the learned Judicial Magistrate and remanded to judicial custody on 24.01.2018 for the offences punishable under Sections 294 (b) and 307 IPC in Crime No.37 of 2016, on the file of the respondent police, seeks bail.

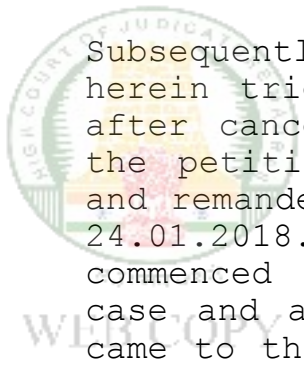
2. The case of the prosecution is that on 29.01.2016, the petitioner threatened the defacto complainant's mother with sickle and caused injuries to her. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 24.01.2018.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the the investigation is pending.

5.The submissions made by the learned counsel appearing on either side are considered.

6. As per the submission made by the learned Government Advocate (Crl. Side) it would appear, earlier the petitioner was granted anticipatory bail by this Court in Crl.O.P(MD).No.9340 of 2016, dated 15.06.2016, for the very same Crime Number.



Subsequently, after lapse of one year three months, the petitioner herein tried to assault the very same defacto complainant. Now, after cancelling the anticipatory bail granted to the petitioner, the petitioner voluntarily surrendered before the concerned Court and remanded to judicial custody and he is in judicial custody from 24.01.2018. According to the prosecution, the trial has not commenced so far. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion that the further detention is not necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil;

(ii) the petitioner shall appear before the respondent Police daily at 10.00 a.m. and 5.00 p.m., until further orders.

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-

21/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE INSPECTOR OF POLICE,
SOUTH THAMARAikulam POLICE STATION, KANYAKUMARI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.MURALI Advocate SR.No.4528

ORDER IN

CRL OP(MD) No.4098 of 2018

Date :21/03/2018