



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

Thursday, the Fifth day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.5142 of 2018

BRIGHT

... PETITIONER / ACCUSED NO.1

Vs

STATE OF TAMIL NADU REPRESENTED BY
THE INSPECTOR OF POLICE
ARALVAIMOZHY POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO. 41/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.M.VISHNUVARTHANAN Advocate

For Respondent : Mr.PRABU RAMACHANDRAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as Accused No.1. He was arrested on 18.02.2018 by the respondent police and remanded to judicial custody. The case against him is for the offences punishable under Sections 147, 148, 341, 294(b), 323, 307 and 506(ii) IPC and Section 4 of TNPHW Act, 2002, in Crime No.41 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused threatened the de-facto complainant by using Aruval and iron rod and also abused her in filthy language. On complaint, a case has been registered for the offences stated above.

3.The contention raised by the petitioner's counsel is that the petitioner is a life convict and this Court granted him bail on 07.02.2018 in Crl.M.P.(MD) No.728 of 2018 in Crl.A.(MD)No.198 of 2017. In order to frustrate the grant of bail in the said Criminal Appeal, according to the petitioner, the present FIR has been foisted against him.

4.The learned Government Advocate (Criminal side) submitted that the petitioner is a history-sheeter and he opposed grant of



bail to the petitioner.

5. This Court went through the contents of the FIR. It is seen that very exaggerated version has been presented in the FIR, which creates a doubt in the mind of the Court that the submission of the petitioner's counsel may probably be true. However, taking note of the strong objection raised by the learned Government Advocate (Criminal side) that the petitioner is a history-sheeter and his continued presence in Aralvaimozhy limits would disturb the public peace in the locality, this Court while granting bail directs the petitioner to stay at Chennai. However, it is made clear that the petitioner has to necessarily come to Kanyakumari District once in a month for the purpose of complying with the condition imposed by the Division Bench of this Court in Crl.M.P.(MD) No.728 of 2018 in Crl.A.(MD)No.198 of 2017.

6. In view of the above, this Court is inclined to enlarge the petitioner on bail with certain 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Boothapandi.
- (ii) The petitioner shall stay at Chennai and comply with the order passed by the Division Bench of this Court, dated 07.02.2018, in Crl.M.P.(MD) No.728 of 2018 in Crl.A.(MD)No.198 of 2017.
- (iii) The petitioner shall not abscond.
- (iv) 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]**.

sd/-

05/04/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE,
BOOTHAPANDI, KANYAKUMARI DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE
ARALVAIMOZHY POLICE STATION,
KANYAKUMARI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

COPY TO:-

THE OFFICE INCHARGER,
SUBJAIL, NAGERCOIL,
KANYAKUMARI DISTRICT

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.5714

SMN2

JAM/10/04/2018/ PN / SAR 3 / 3P-7C

ORDER

IN

CRL OP (MD) No.5142 of 2018

Date :05/04/2018