



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

Wednesday, the Fifth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21478 of 2018

SARATHKUMAR

... PETITIONER / 3rd ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.291/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.T.RAMESH RAJA Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 02.11.2018 for the offence punishable under Sections 294 (b) and 302 IPC, in Crime No.291 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a quarrel between the accused and the defacto complainant with regard to parking of the vehicle by blocking the road. Thereafter, the deceased is said to have informed the said occurrence to the defacto complainant / partner. When the deceased and the defacto complainant proceeded to the police Station to give a complaint, the first and second accused are said to have come in a motor bike and stabbed the deceased, due to which the deceased succumbed with injury. The occurrence was said to have taken place at 04.00 p.m.. Immediately, the complaint has been given to the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is working in a private company at Mumbai. He came to his native place for his sister's marriage scheduled to be held on 13.12.2018. The contention of the petitioner is that the petitioner's grandmother is living near the scene of occurrence and he used to visit his grandmother regularly. Hence, he is well known to the persons in that place. Since he quarreled with the deceased



in an occasion, he has been falsely implicated in this case.

4. Admittedly, the defacto complainant in his complaint has mentioned about the sequence of events and there is no specific overt act attributed as against this petitioner. Further at the time of the assault, the petitioner was not present in the scene of occurrence. It is further submitted that the marriage of the petitioner's sister scheduled to be held on 13.12.2018. Invitation card has also been produced.

5. Heard the Additional Public Prosecutor appearing for the respondent State.

6. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders. Since the marriage to the petitioner's sister is scheduled to be held on 13.12.2018, on that date alone, the petitioner need not appear before the respondent police.

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

[c] the petitioner shall not tamper with evidence or witness 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/12/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.III,
NAGERCOIL

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.22680

PS/VR-MMS/SAR-4/06/12/2018/3P/7C

ORDER

IN

CRL OP(MD) No.21478 of 2018

Date :05/12/2018