



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

Wednesday, the Fifth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21514 of 2018

PRABHU @ MANIKANDA PRABHU

... PETITIONER /3rd ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME.NO.409/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.MOHAMED HANEEF Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 27.09.2018 for the offence punishable under Sections 341 and 302 IPC, in Crime No.409 of 2018, on the file of the respondent police, seeks bail.

2.The petitioner and one Austin are close friends. On 28.08.2018, since the said Austin was beaten by the first accused, the deceased beat the first accused. Hence, on the same day, the first and second accused are said to have come to the residence of the deceased and warned the wife of the deceased. Thereafter, on 22.09.2018, the first and second accused waylaid the deceased, while he was proceeding in this bike and attacked him with a sickle, due to which the deceased succumbed with injuries. The petitioner herein surrendered before the learned Judicial Magistrate No.2, Nagercoil on 27.09.2018. Thereafter, he was taken into police custody and he had also given confession statement.

3.The learned counsel for the petitioner would submit that since the petitioner is the friend of the accused, he has been implicated in this case. Even in the FIR also the presence of the petitioner in the scene of occurrence is not mentioned.



4. The learned Additional Public Prosecutor appearing for the respondent State would submit that the petitioner has no other previous case to his credit.

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 Additional Mahila Fast Track Judicial Magistrate, Nagercoil and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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 /

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

TO

1 THE ADDITIONAL MAHILA FAST TRACK
JUDICIAL MAGISTRATE,
NAGERCOIL.

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL.



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

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

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+1. CC to Mr.A.MOHAMED HANEEF Advocate SR.No.22705

PS/VR-MMS/SAR-4/06/12/2018/3P/6C

ORDER

IN

CRL OP(MD) No.21514 of 2018

Date :05/12/2018