



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

Wednesday, the Twenty Fifth day of April Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.6828 of 2018

1 BABU USHEN @ THARPAR USHEN

... PETITIONER /

ACCUSED rank not known

Vs

THE STATE REP. BY
THE INSEPCTOR OF POLICE,
KOTTAR POLICE STATION,
KOTTAR, NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO. 166 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.PRAGALATHAN Advocate

For Respondent : M/S. A.P.G.OHM CHAIRMA PRABHU,
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. He was arrested and remanded to judicial custody on 16.04.2018 for the offences punishable under Sections 341, 294(b), 387, 307 and 506(ii) I.P.C., in Crime No.166 of 2018 on the file of the respondent police. He seeks bail.

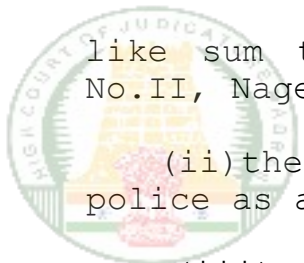
2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) for the respondent police.

3.The petitioner has been implicated in two cases. In one case, younger brother is the complainant. While so, in another case, elder brother is the complainant. This creates doubt in the minds of the Court.

4.Taking note of the facts and circumstances, 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;

<https://hcservices.ecourts.gov.in/hcservices/>

(1) 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 No.II, Nagercoil, Kanyakumari District.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) 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/-
25/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-II
NAGERCOIL,
KANYAKUMARI DISTRICT.
- 2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE OFFICER IN CHARGE,
DISTRICT JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE INSEPCTOR OF POLICE,
KOTTAR POLICE STATION,
KOTTAR, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.7109.

ORDER
IN
CRL OP(MD) No.6828 of 2018
Date :25/04/2018