



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

Friday, the Third day of August Two Thousand and Eighteen

PRESENT

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

CRL OP (MD) No.13794 of 2018

BERNARD

... PETITIONER / 1st ACCUSED

Vs

THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.65 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.C.HEROLD SINGH, Advocate.

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Govt.Advocate (Crl.Side)

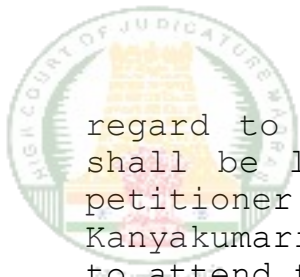
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is shown as the first accused in Crime No.65 of 2018 for the offences under sections 294(b), 323, 307 and 302 of I.P.C. in Crime No.65 of 2018.

2.The occurrence had taken place on 25.06.2018. Though the de facto complainant had named three persons, investigation had revealed that only this petitioner was involved in the occurrence. Since the investigation appears to be substantially over, this Court is of the view that the prosecution ought to be fast tracked. In matters such as this, it cannot be kept pending indefinitely. There is an eye witness and the petitioner alone is said to have been responsible for the entire occurrence.

3.Therefore the respondent is directed to file a final report within a period of three weeks from the date of receipt of a copy of this order. The learned Jurisdictional Magistrate shall conclude the entire committal proceedings within a period of two weeks thereafter. The Session Court to which the case is assigned shall conclude within a period of two months thereafter. The de facto complainant in this case is a woman, aged about 52 years and the petitioner may threaten the witness. The respondent is strictly directed to ensure that the said witness is given fullest protection. If any complaint is received from the witness with



regard to any act of threat held out by the petitioner, the same shall be looked into and appropriate action shall be taken. The petitioner is directed to stay outside the District limits of Kanyakumari District for a period of four weeks. Of course, he has to attend the proceedings before the committal Court promptly.

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4.The learned counsel for the petitioner undertakes that the petitioner shall attend all the hearings promptly without any absence. If any absence is found on the part of the petitioner, this order granting bail to the petitioner would stand cancelled automatically.

5.Taking note of all these circumstances, this Court is inclined to grant bail to the petitioner with certain condition. 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 No.I, Kuzhithurai.

(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 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/-

03/08/2018

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

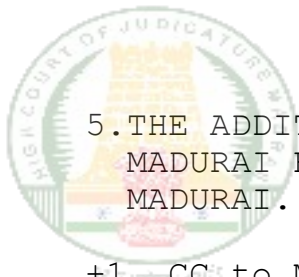
TO

1.THE JUDICIAL MAGISTRATE No.I,
KUZHITHURAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3.THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

4.THE INSPECTOR OF POLICE,
TIRUNELVELI POLICE STATION,
KANYAKUMARI DISTRICT.



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

+1. CC to M/S.S.C.HEROLD SINGH, Advocate, SR.No.14971.

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ORDER

IN

CRL OP(MD) No.13794 of 2018

Date :03/08/2018

TSG

RAM/PN/SAR 4/03.08.2018/3P/7C