



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

Monday, the Seventeenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22164 of 2018

SHAJI @ SHAJIN

... PETITIONER / ACCUSED
NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI
Crime No. 239 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.MUTHUSARAVANAN 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 19.11.2018 for the offences punishable under Sections 341, 294 (b), 324, 307, 506(ii) of IPC and Section 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.239 of 2018, on the file of the respondent police, seeks bail.

2.It appears that the petitioner / A2 in this case said to have rode the vehicle on 19.11.2018. In which, A1 is the Pillion-rider who attacked the defacto complainant. In earlier occasion, due to some enmity between the petitioner and the defacto complainant, similar nature of complaint had been given, wherein the petitioner was granted anticipatory bail. Again this complaint was filed and the petitioner was arrested on 19.11.2018.

3.The learned Government Advocate (Crl. Side) submits that the petitioner had already moved a petition for bail and the same was dismissed on 06.12.2018 since the petitioner has been detained under Act 14. He also submits that the defacto complainant has been discharged from the hospital.



4. Considering the facts and circumstances of the case and since the injured person in this case has been discharged from the hospital, this Court inclines to grant bail to the petitioner.

5. 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.I, Kuzhithurai and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[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].

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

sd/-
17/12/2018

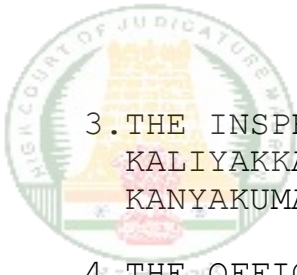
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO I,
KUZHITHURAI

2. THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL



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

4. THE OFFICER INCHARGE,
SUB JAIL, KANYAKUMARI.

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

+1. CC to Mr.C.MUTHUSARAVANAN Advocate SR.No.23391

ORDER

IN

CRL OP (MD) No.22164 of 2018

Date :17/12/2018

TK/PN.AC/SAR-4/17.12.2018/3P/7C