



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

Tuesday, the Twentieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20688 of 2018

SATHEESH KUMAR

... PETITIONER/ SOLE ACCUSED

Vs

STATE: REP. BY
THE SUB INSPECTOR OF POLICE
PUDUKKADAI POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO.333/2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.R.SIVALINGAM 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 06.11.2018 for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC in Crime No.333 of 2018, on the file of the respondent police, seeks bail.

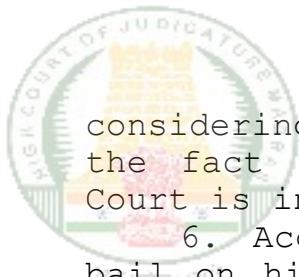
2. The case of the prosecution is that due to previous enmity between the petitioner and the defacto complainant the petitioner is said to have attacked the defacto complainant with aruval and scolded him in filthy language and also threatened him with dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and more over the petitioner and the defacto complainant are relatives and the defacto complainant sustained no injuries.

4. The learned Additional Public Prosecutor would submit that both the defacto complainant and the petitioner are relatives and the defacto complainant escaped from the attack.

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

5. Considering the facts and circumstances of the case and also



considering the period of incarceration of the petitioner and also the fact that the defacto complainant sustained no injury, this Court is inclined to grant bail to the petitioner.

6. 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, and on further condition that:

[a] the petitioner shall report before the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District daily at 10.30 am for a period of three weeks and thereafter 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/-
20/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO II,
KUZHITHURAI, KANYAKUMARI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE SUPERINTENDENT, SUB JAIL,NAGERCOIL
- 4 THE SUB INSPECTOR OF POLICE
PUDUKKADAI POLICE STATION, KANYAKUMARI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.R.SIVALINGAM Advocate SR.No.21817
ORDER

IN

CRL OP(MD) No.20688 of 2018
Date :20/11/2018