



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

Thursday, the Twentieth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21420 of 2018

JAYAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.216/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.R.SREENIVASAN, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole Accused, who was arrested and remanded into judicial custody by the respondent police on 14.11.2018, for the offences punishable under Sections 448, 294(b), 324, 307 and 506(ii) I.P.C and Section 3(1) of TNPPDL Act in Cr.No.216 of 2018, seeks bail.

2.The case of the prosecution is that on 14.11.2018, when a special seminar was conducted with regard to Prevention of Word Diabetics Disease in the school premises of N.M.Vidya Kendra, situated at Chitharal, Kanyakumari District, the petitioner had barged into the school campus and brutally attacked two female students, who are studying 12 standard and caused grievous head injuries and out of two other persons, who came to the rescue of school children , one had got severe stomach injuries and as a matter of fact, he has to be operated upon and admitted and taken treatment for a long duration. Further, the petitioner had damaged windscreen of 3 school buses to the tune of Rs.84,900/- and caused damage to the window, notice board to the tune of Rs.64,276 and in total to the tune of Rs.1,49,176/-.

3. The contention of the petitioner is that there is some property dispute between the petitioner and his sister Jeyashri and she has employed in the said school and the wife of the Principal,



who is the Correspondent of the school was aiding and encouraging the petitioner's sister to act against the petitioner. Enraged over the same, he had barged into the school to question his sister Jeyashri. At that time, the alleged occurrence said to have taken place. The petitioner would submit that he is now taking psychiatric treatment for his illness. Further, the wife of the petitioner was working in the said school as a teacher and the petitioner has got two female children to be taken care of.

4.It is his further contention that he is innocent and he has been falsely implicated in this case. No such occurrence was happened as alleged in the F.I.R.

5.The learned Government Advocate (Crl. Side) would submit that the petitioner had assaulted school children with knife, due to which, the entire school community has been terrorized and they were in the state of shock and education of the children have been affected.

6.Heard the learned counsel for the intervenor/defacto complainant.

7.The learned counsel for the petitioner, on instructions, submits that the damages caused to the school to the tune of Rs.1,50,000/- shall be made good by the petitioner by paying the same to the school directly.

8.Considering the same and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner with certain conditions.

9.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 deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of N.M.Vidya Kendra, situated at Chitharal, Kanyakumari District and produce the receipt, while executing the sureties.

[b] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[c] the petitioner shall stay at Madurai and report before the Anna Nagar Police Station, Madurai daily twice I.e at 10.30 a.m and 5.30 p.m for a period of two weeks and thereafter as and when required.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



[f] the petitioner shall not enter into the premises of the school or obstruct or interact with the staff or school children or create any disturbance to piece and tranquillity of the school.

[g] 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]**.

sd/-
20/12/2018

/ TRUE COPY /

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 DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
4. THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION, KANYAKUMARI DISTRICT.
5. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
N.M.VIDYA KENDRA, SITUATED AT CHITHARAL,
KANYAKUMARI DISTRICT.

+1. CC to Mr.M.R.SREENIVASAN Advocate SR.No.23784
+1CC TO Mr.B.BRIJESH KISHORE, Advocate, SR NO.23732

ORDER
IN
CRL OP (MD) No.21420 of 2018
Date :20/12/2018

MS/PN-AC/SAR-3/20.12.2018/3P.10C