



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

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

**CRL OP (MD) No.3413 of 2019**

SIVA GANESAN

... PETITIONER /SOLE ACCUSED

Vs

THE STATE THRO'  
THE INSPECTOR OF POLICE,  
ERANIEL POLICE STATION,  
KANYAKUMARI DISTRICT.  
(CRIME NO.2/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.RM.SIVAKUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 14.01.2019 for the offence punishable under Sections 341, 294(b), 307 and 506(ii) of IPC in Cr.No.2 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity the petitioner waylaid the defacto complainant abused him and attacked him with aruval. Hence, this complaint.

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 hence he prayed for bail.

4.The learned Government Advocate (Crl. Side) would submit that the injured has been discharged from the hospital

5.Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner.

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

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) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Eraniel and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

06/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,  
ERANIEL, KANYAKUMARI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT.

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

4. THE OFFICER INCHARGE,  
DISTRICT JAIL, NAGERCOIL,  
KANYAKUMARI DISTRICT.



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

+1. CC to MR.RM.SIVAKUMAR Advocate SR.No.4331

ORDER

IN

CRL OP (MD) No.3413 of 2019

Date :06/03/2019

AE/JC/SAR-I/06.03.2019/3P/7C