



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.949 of 2019

1 JOSE
2 YUGIN

... PETITIONERS/ACCUSED No.1 & 3

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
IN CRIME NO.259/2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.SATHEESH KUMAR, 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 petitioners were arrested and remanded to judicial custody since 29.11.2018 for the offences punishable under Sections 341, 294(b), 307, 324, 323 and 506(ii) of IPC, in Crime No.259 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused restrained the defacto complainant and used filthy language and attacked the defacto complainant with deadly weapons caused simple injury.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners have got 7 previous cases and in this case, the injured has already been discharged from the hospital.



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

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6. Accordingly, the petitioners are ordered to be released on bail on 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, Padmanabhapuram, and on further condition that:

[a] when the petitioners released on bail in other cases, they shall report before the respondent police daily twice at 10.30 am and 5.30 p.m., until further orders.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
24/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KAYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION, KANYAKUMARI DISTRICT



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

+1. CC to MR.R.SATHEESH KUMAR, Advocate SR.No.1293

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ORDER

IN

CRL OP (MD) No.949 of 2019

Date :24/01/2019

AM

PK/PN/SAR-1/25.01.2019 : 3P/6C