



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.12527 of 2019

P. Christopher Raj,

... Petitioner/ Sole Accused

Vs

State Rep by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District
(Crime No.323 of 2019).

... Respondent/Complainant

For Petitioner : M/s. S.C. Herold Singh,
Advocate.

For Respondent : A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C. PRAYER :-

For Bail in Crime No.323 of 2019 on the file of the respondent

ORDER : The Court made the following order :-

The petitioner is in custody since 22.08.2019, for the offences under Sections 294(b), 307 and 506(ii) of I.P.C.

2.The allegation against the petitioner is that he had received a sum of Rs.2,00,000/- from the defacto complainant to secure a job in Indian Army and that the petitioner could not fulfil his promise and that when the defacto complainant demanded money back, the petitioner attacked him.

3.This Court wanted to know from the learned Government Advocate (Crl. Side) that if any document was executed in favour of the defacto complainant. No such document is forthcoming. The petitioner has not filed a petition for anticipatory bail, he filed a petition for regular bail. Continued incarceration of the petitioner is not going to serve any purpose.



4. Taking note of the facts and circumstances of the case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

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(i) the petitioner shall execute 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 Judicial Magistrate No.I, Kuzhithurai.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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/-

09/09/2019

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

TO

1. Judicial Magistrate No.I, Kuzhithurai.
2. Do-Through The Chief Judicial Magistrate, Kanyakumari District.
3. The Officer Incharge, Sub Jail, Nagercoil.
4. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.S.C.HEROLD SINGH, Advocate Sr. No. 15134

ORDER

IN

CRL OP(MD) No.12527 of 2019

Date : 09/09/2019

TR/PN/SAR-IV (09.09.2019) 2P 7C