



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/02/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.1854 of 2020

Agnel ... Petitioner/Accused No.1

Vs

State Rep.by
The Sub Inspector of Police,
South Police Station,
Thoothukudi.
(In Crime No.714/2019) ... Respondent/Complainant

For Petitioner : M/s.G.Aravindan, Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

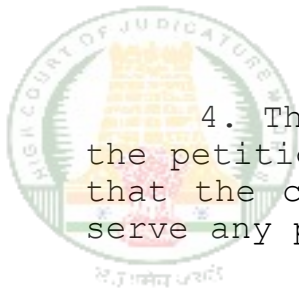
for bail in Crime No. 714 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 23.11.2019 for the offences under Sections 294(b), 323, 307 and 506(ii) of I.P.C. in Crime No.714 of 2019 on the file of the respondent police. Hence, he seeks bail.

3. The petitioner's earlier petition for bail was dismissed by me on 06.01.2020 citing his bad antecedents. One of which was the involvement of murder. The petitioner's counsel states that the said case ended in acquittal on 22.01.2020. He would also state that the petitioner would take a demand draft for a sum of Rs.15,000/- favouring the victim and enclose the same along with the petition to be filed for execution of sureties. This will be non refundable payment and without prejudice to the petitioner's defence in the trial.



4. The learned Government Advocate (Crl. Side) points out that the petitioner is having quite a few other cases. I am of the view that the continued incarceration of the petitioner is not going to serve any purpose.

5. Subject to the aforesaid condition, 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;

(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, Thoothukudi.

(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/-
04/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL,
THOOTHUKUDI.
4. THE SUB INSPECTOR OF POLICE,
SOUTH POLICE STATION, THOOTHUKUDI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-2355[I] dated 05/02/2020)

ORDER IN
CRL OP(MD) No.1854 of 2020
Date :04/02/2020